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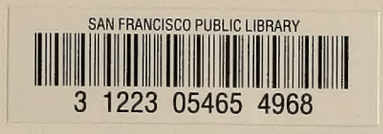


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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JANUARY 12, 1994

EXECUTIVE SESSION

Room 505-2
4:45 p.m.

Attorney-Client Conference

a. De Ren Tan & Yu Yan Tan vs. CCSF
Unlitigated Claim No. 92-03651

b. Ingram vs. CCSF
C93-2598

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JANUARY 12, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Approval of Minutes of Meetings of September 29, October 13, October 20, November 3, November 17 and December 8, 1993

4. Approval of Consent Calendar

5. Police Commission Report
   a. Motion on Calendaring of New Matters

6. Chief's Report to the Police Commission

7. OCC Director's Report to the Police Commission

8. Discussion re: General Order D-17 "Discrimination and Harassment"

9. Public Comments

   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

10. Approval of Decision regarding Disciplinary Charges Filed Against Sergeant Larry Barsetti, Tenderloin Task Force (File No. C12-121 EA), Officer Edward M. Browne, Tenderloin Task Force (File No. C12-124 EA), Officer James Lewis, Potrero Station (File No. C12-123 EA) and Officer Michael Palada, Central Station (File No. C12-122 EA)

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JANUARY 12, 1994
CONSENT CALENDAR

1. Request of the Chief of Police for Approval of Taxicab Owners Permit for Mr. Peter DeLaCruz

2. Recommendation of the City Attorney for Settlement of the following claims:

   a. De Ren Tan & Yu Yan Tan vs. CCSF $19,734.00
   b. Ingram vs. CCSF 29,000.00

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

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JANUARY 12, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 5:00 p.m. to 5:55 p.m., for an Executive Session.

a. De Ren Tan & Yu Yan Tan vs. CCSF
B. Ingram vs. CCSF

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

JANUARY 12, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 6:00 p.m., for a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

APPROVAL OF MINUTES OF MEETINGS OF SEPTEMBER 29, OCTOBER 13, OCTOBER 20, NOVEMBER 3, NOVEMBER 17 AND DECEMBER 8, 1993

Approval of minutes of the meetings of September 29, October 13, October 20, November 3, November 17, and December 8, 1993, the Commissioners having received, approved and returned the copies of same.

Motion by Commissioner Rodriguez, second by Commissioner Feinstein. Minutes approved 5-0.

APPROVAL OF CONSENT CALENDAR

Commissioner Low stated the Commission met on matters on the Consent Calendar. Limited discussion pursuant to the Sunshine Ordinance, there was no objections to the Consent Calendar items. Motion by Commissioner Rodriguez, second by Commissioner Feinstein, Consent Calendar approved 5-0.

RESOLUTION NO. 2-94

TAXICAB PERMIT APPLICATION OF PETER DELACRUZ

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefore; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Peter DelaCruz, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Peter DelaCruz.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 3-94

DE REN TAN & YU YAN TAN vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "De Ren Tan & Yu Yan Tan vs. CCSF" in Unlitigated Claim #92-03651 in the amount of $19,734.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: October 24, 1993.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 4-94

INGRAM vs. CCSF et. al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Mira Ingram vs. CCSF, et. al" in the United States District Court No. C93-2598-SC in the amount of $29,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: May 8, 1992

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low announced there will be no meeting on the 26th of January and that the meeting of January 19th will be a district meeting held in the Tenderloin District at Glide Memorial. He also asked that item No. 8, General Order D-17, be recalendared for January 19 for adoption.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed Crime Prevention and Safety Program which will be initiated at the Alice Griffith Housing Projects.

Commander Holder then briefed the Commission on program regarding security checkpoints which will screen visitors and verify residence in the area.

Chief also stated he had a meeting with the San Francisco Giants regarding improving security in and around the stadium and also the ingress and egress of traffic during events. He stated that Lt. Tom Mulkeen of Traffic has been appointed as coordinator with the Giants and the Department.

The Chief also stated that he will not be able to attend the meeting on the 19th as he will be in Los Angeles at a Crime Summit meeting with the governor and other law enforcement officials.

The Chief then described the event last July regarding 101 California Street. The actions of the officers who responded and stated he was proud of the actions that members of the department during that serious incident and also the report of the actions of investigators assigned the responsibility of investigating that incident. He commended Inspector Sanders and Hendricks of Homicide for their efforts and report. He then awarded Unit Citations to members' representatives of the following units: Field Operations Bureau, Central, Southern, Potrero, Mission, Northern, Park, and Tenderloin Task Force. Bureau of Investigations Unit Citations including Homicide, Photo Lab, Crime Scene Investigations, General Work Detail, Sexual Assault, Fraud, Traffic, Crime Prevention, Muni, Fiscal Division, Communications and Public Affairs.

Lt. Donohoe, from Communications, then addressed the Commission regarding a recent flooding situation in the Communications Section and presented Unit Citation awards to Supervisor Karen Petromelli, Judy Hogan, Donna Valdez, who represented members of the Communications Division. Lt. Donohoe then complemented his dispatch personnel for working under trying conditions during the flooding.

Commissioner Low then complemented the members of the Communications Section for working under high stress and other adverse conditions. He stated the Commission supports Communications and is attempting to improve not only the conditions but also upgrade equipments.

Commissioner Low, on behalf of the Commission, also praised members involved at 101 California.

Commissioner Rodriguez also joined in the praise for the actions of members during the incident at 101 California Street.

The Chief then further addressed the Commission regarding a briefing that was held today with the Mayor and the Director of the Office of Emergency Services, Admiral Bitoff, and stated that these people and other department representatives visited the radio room so that they could first hand see conditions.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Porter addressed the Commission and stated she had received information that three of the four positions that were eliminated from her budget may possibly be restored soon. She thanked Commissioner Hewlett and the Chief for their help in furthering her request to the Mayor's Office.

John Parker then briefed the Commission on the Statistical Report.

Chief Ribera thanked Director Porter for the statistical report and stated that the report can be used for remedial training. He shared concerns regarding increase in complaints at Southern Station but also stated that there has been an increase in nightclubs and activities in the U.N. Plaza.

Commissioner Hewlett commended the OCC on the statistical report and Director Porter stated that the year end report will be submitted in February.

Jill Tregor, Intergroup Clearing House, addressed the Commission regarding the statistical report including matters of what percentage of sustained cases results in actual discipline. She discussed racial and sexual slurs of the Tenderloin Task Force and also complained of unnecessary force.

John Crew, ACLU, commended the Chief for using the OCC statistics as a guide for action and further suggest that the OCC needs resources to do their job and resume their monthly reports. He also discussed that policy recommendations should be routine from OCC and discussed pro bono hearings.

DISCUSSION RE: GENERAL ORDER D-17 "DISCRIMINATION AND HARASSMENT"

Commissioner Hewlett addressed the audience regarding D-17 and stated that all concerned groups are moving in a positive direction in regards to General Order D-17. She further asked that any concerned groups bring their concerns forward so that adoption can be made.

Rose Melendez, Women Officers' Network, asked why the Commission is not approving and only discussing the matter this evening and asked the Commission to adopt the order.

Commissioner Low responded and indicated it is calendared for discussion this evening but will be calendared for adoption on January 19th.

Commissioner Feinstein discussed adoption on the 19th.

Inspector Cazassa recommended approval.

Commissioner Hewlett stated the POA was afforded the opportunity to address the order and no one is present to express their concerns.

Steve Johnson, Treasurer POA, stated he cannot address the Commission regarding D-17 as he has no knowledge of the concerns.

Chief Ribera urged the Commission to pass D-17 as it now stands.

Matter calendared for adoption on January 19th.

PUBLIC COMMENTS

Officer Serujo, Latino POA, urged the Commission to put the matter over, D-17, for one week for input by the Latino POA.

John Crew, ACLU, discussed the Memoradum of Understanding "Openness" and asked for an update from the City Attorney.

Linda Ross, City Attorney's Office, stated that Mariam Morley has returned to work and the matter is presently being discussed. She further stated that the matter will be calendared for February 2nd.

John Crew also addressed the use of force issue and Commissioner Low stated that the Commission is looking into the matter.

Virginia Conway talked of burned out lights in the streets and why the police is not informing other city agencies to have them replaced. She also talked of the Mounted Unit in Golden Gate Park.

APPROVAL OF DECISION REGARDING DISCIPLINARY CHARGES FILED AGAINST SERGEANT LARRY BARSETTI, TENDERLOIN TASK FORCE, OFFICER EDWARD M. BROWNE, TENDERLOIN TASK FORCE, OFFICER JAMES LEWIS, POTRERO STATION, AND OFFICER MICHAEL PALADA, CENTRAL STATION

Commissioner Low announced that all Commissioners have read transcripts.

RESOLUTION NO. 1-94

APPROVAL OF DECISION REGARDING DISCIPLINARY CHARGES FILED AGAINST SERGEANT LARRY BARSETTI, TENDERLOIN TASK FORCE, OFFICER EDWARD M. BROWNE, TENDERLOIN TASK FORCE, OFFICER JAMES LEWIS, POTRERO STATION AND OFFICER MICHAEL PALADA, CENTRAL STATION

WHEREAS, on February 20, 1992, Willis A. Casey, former Chief of Police, made and served charges against Sergeant Larry Barsetti, Tenderloin Task Force, as follows:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Sergeant Larry P. Barsetti, Star No. 175, (hereinafter referred to as "the accused") was and is a Police Officer, holding the rank of Sergeant of Police, employed by the San Francisco Police Department, and at the time of the incident(s) alleged herein was assigned as a field supervisor to the Mission Station of the San Francisco Police Department;

(2) As a Police Sergeant, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On June 16, 1990, the accused was a sergeant assigned to supervise Officer Edward Browne, Star No. 1864, and Officer Michael Palada, Star No. 647, in the Mission District;

(4) On June 16, 1990, at approximately 2005 hours, Officers Browne and Palada, officers under the accused's command, began pursuing a vehicle at the intersection of South Van Ness and 16th Street which was driven by Richard Phillips;

(5) The accused monitored Police Communications on the progress of the pursuit of the vehicle driven by Richard Phillips. The accused subsequently left Mission Station and continued monitoring the pursuit from his vehicle where he could hear both low band radio communication and PIC channels;

(6) The accused was informed that the pursuit had continued onto the Bay Bridge and that the vehicle driven by Richard Philipps was ramming the police vehicle driven by Officer Browne;

(7) The accused used his police radio to monitor Officer Browne and Officer Palada's pursuit of Richard Phillips and drove his unit following the course of the pursuit;

(8) The accused believed that Officers Browne and Palada were the primary pursuit officers; however, the accused was unaware of the identity of the secondary pursuit unit;

(9) The accused did not radio Communications to request information regarding the number of units responding or who the secondary unit was;

(10) Although the accused was informed that ramming had taken place on the Bay Bridge and that the pursuit of the vehicle driven by Richard Phillips had continued into residential areas of Oakland and Berkeley, he made no attempt to terminate the pursuit;

(11) The accused got lost after exiting the freeway at the Claremont exit in Berkeley and was directed to the termination point by a Berkeley police officer;

(12) The accused arrived at the pursuit termination point, Garber Street and Oak Knoll in Berkeley, approximately five minutes after Richard Phillips was apprehended;

(13) The accused observed that Richard Phillips was bleeding from multiple head injuries;

(14) The pursuit of the vehicle driven by Richard Phillips on June 16, 1990, involved a total of sixteen San Francisco Police Department units;

(15) Eleven San Francisco Police Department units (twenty officers) pursued the complainant's vehicle to the East Bay;

(16) Three San Francisco Police Department units were involved in accidents that resulted in damage to the police vehicles during the course of the pursuit of complainant's vehicle. One unit was involved in a single vehicle accident when a transport wagon flipped onto its side. A second unit was involved in a non-injury accident with a civilian when she ran a red light through an intersection. A third unit was involved in an accident when the unit rolled into the vehicle driven by Richard Phillips when the officer failed to put his vehicle in park or to set the foot brake;

(17) The accused, as filed supervisor for the Mission District, failed to adequately supervise the number of units responding to the pursuit of Richard Phillips and the conditions of the pursuit, thereby neglecting his duty as a supervisor in violation of Section II(G) of General Order F-2 of the San Francisco Police Department which states;

"II. CODE THREE RESPONSE

G. It shall be the responsibility of the supervisory officers of the members involved to monitor all response codes for evaluation and direction."

(18) The accused, as field supervisor for the Mission District, failed to adequately supervise the conditions of the pursuit and failed to terminate the pursuit when it became apparent that the dangers of continuing the pursuit clearly outweighed the benefits of the pursuit, thereby neglecting his duty as a supervisor in violation of Section III (E) of General Order F-2 of the San Francisco Police Department which states:

"GENERAL ORDER F-2, Section III(E):

III. PURSUIT DRIVING

During the course of a pursuit, officers must question the reasonable necessity of continuing the pursuit, based upon what reasonably appears to be the facts known or perceived by the officer. Pursuit shall be terminated if the dangers of continuing the chase clearly outweigh the benefits of continuing it, or if specifically instructed to do so by a supervisor or command officer."

(19) The accused, as field supervisor for the Mission District, failed to adequately supervise the conditions of the pursuit and failed to terminate the pursuit when it became apparent that the dangers of continuing the pursuit clearly outweighed the benefits of the pursuit, thereby neglecting his duty as a supervisor in violation of Section A-9 of General Order D-1 of the San Francisco Police Department which states:

"GENERAL ORDER D-1, Sectio A-9:

Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

and

WHEREAS, hearings on said charges were held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, September 30, 1993 and on Friday, October 1, 1993 and on Friday, October 1, 1993 a motion was made by the defense attorneys to dismiss the charges made against Sergeant Barsetti, Officers Browne, Lewis and Palada and said motion was granted by Commissioner Low; and

WHEREAS, on Wednesday, January 12, 1994, a unanimous decision to dismiss the charges filed against Sergeant Barsetti, Officers Browne, Lewis and Palada was made by the full Police Commission; therefore be it

RESOLVED, that it is the order of the Police Commission that said charges filed against Sergeant Barsetti, Officers Browne, Lewis and Palada, be, and the same are hereby dismissed.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 1-94

APPROVAL OF DECISION REGARDING DISCIPLINARY CHARGES FILED AGAINST SERGEANT LARRY BARSETTI, TENDERLOIN TASK FORCE, OFFICER EDWARD M. BROWNE, TENDERLOIN TASK FORCE, OFFICER JAMES LEWIS, POTRERO STATION AND OFFICER MICHAEL PALADA, CENTRAL STATION

WHEREAS, on February 20, 1992, Willis A. Casey, former Chief of Police, made and served charges against Officer Edward Browne, Tenderloin Task Force, as follows:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Edward Browne, Star No. 1864, (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department, and at the time of the incident(s) alleged herein was assigned to the Mission Station of the San Francisco Police Department;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On June 16, 1990, the accused was assigned to work routine patrol in the Mission District;

(4) On June 16, 1990, at approximately 2005 hours, near the intersection of South Van Ness and Division Streets, the accused and his partner observed a 1990 Cadillac driven by Richard Phillips. They conducted a random computer check and determined that the vehicle was stolen;

(5) The accused and his partner trailed the vehicle driven by Richard Phillips and attempted a traffic stop at 17th Street in San Francisco;

(6) Richard Phillips accelerated the vehicle and continued driving through South Van Ness to 16th Street and subsequently onto the Bay Bridge and across to Oakland and Berkeley on freeways I-80, 580, Highway 24, and the numerous residential streets;

(7) During the pursuit of Richard Phillips, the accused rammed the vehicle driven by Richard Phillips with San Francisco Police Department vehicle B083;

(8) The accused, by ramming the vehicle driven by Richard Phillips, without just cause with his police vehicle, has performed unwarranted action which constitutes a violation of Section III(H) of General Order F-2 of the San Francisco Police Department which states:

"GENERAL ORDER F-2, Section III(H):

III. Pursuit Driving

H. Barricading the roadway, ramming or forcing a vehicle off the road are extreme measures ad should be used only when there is an imminent danger of death or great bodily harm to human life, and after all other reasonable means of apprehension have been exhausted."

(9) The accused, by ramming the vehicle driven by Richard Phillips, without just cause with his police vehicle, has performed unwarranted action which constitutes a violation of Section A-9 of General Order D-1 of the San Francisco Police Department which states:

"GENERAL ORDER D-1, Section A-9:

Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any ember either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

SPECIFICATION NO. 2

(10) The allegations contained in Specification No. 1, paragraphs (1) through (6) are realleged and incorporated herein by reference as though fully set forth herein;

(11) On June 16, 1990, at or about 2030 in the vicinity of Garber Street and Oak Knoll Terrace in Berkeley, the accused and other officers struck Richard Phillips after he got out of his vehicle with his hands above his head;

(12) Richard Phillips suffered multiple lacerations and contusions to his face as a result of the blows;

(13) The blows to Richard Phillips' head and body were without provocation and unnecessary;

(14) The accused, by striking Richard Phillips, without just cause, used unnecessary force which constitutes a violation of Section XI(A) of General Order F-4 of the San Francisco Police Department which states:

"GENERAL ORDER F-4, Section XI(A):

Unnecessary force occurs when physical abuse of a person being arrested or detained is exacted or when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

(15) The accused, by striking Richard Phillips, without just cause, used unnecessary force which constitutes a violation of Section A-9 of General Order D-1 of the San Francisco Police Department which states:

"GENERAL ORDER D-1, Section A-9:

Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

SPECIFICATION NO. 3

(16) On June 16, 1990, the accused struck Richard Phillips causing injury to Mr. Phillips in the course of the accused's assignment as alleged in Specification No. 2, hereinabove;

(17) The accused did not report that he had struck Richard Phillips causing him injury, to Officer Juan Gomez, Star No. 998, the officer assigned to write the incident report in the above-alleged matters;

(18) The accused, by failing to report that he had used force in connection with his duties on June 16, 1990, as alleged hereinabove, has engaged in conduct which constitutes a violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department, and Training Bulletin No. 87-17, which states:

"GENERAL ORDER F-4, Section XII.A and XII.B:

XII. REPORTING USE OF FORCE

A. Officers must report the use of the following types of force:

1. Physical strength when injury to the suspect results.

2. Liquid chemical agent (Mace).

3. The department issued baton when the suspect is struck.

4. When the officer finds it necessary to strike a suspect with a fist, flashlight or any other item.

5. Carotid Restraint.

B. In all cases in which any of the above types of force are used, an incident report will be prepared. The officer using the force will include the following elements in the text of the report:

1. The type of force used (e.g. mace, struck with fist).

2. A brief statement of the reason for the use of force (e.g. subject resisted arrest).

Training Bulletin No. 87-17, THE REVISED REPORT SYSTEM, of the San Francisco Police Department:

83. NARRATIVE SECTION

In order to insure completeness, all of the facts known to the investigating officers(s) shall be reported. Such facts include: The establishment of all elements of the corpus delicti; the identification of all parties involved; the description of their actions (including their prior actions which lead to the incident); the reporting of their statements, and the listing of the investigative steps taken by all officers."

SPECIFICATION NO. 4

(19) The allegations contained in Specification No. 1, paragraphs (1) through (8) are realleged and incorporated herein by reference as though fully set forth herein;

(20) The accused, by continuing the pursuit of the vehicle driven by Richard Phillips through San Francisco, the Bay Bridge,

Oakland and Berkeley at high speeds neglected his duty as a police officer to terminate the pursuit in violation of Section III(E) of General Order F-2 of the San Francisco Police Department which states:

"GENERAL ORDER F-2, Section III(E):

During the course of a pursuit, officers must question the reasonable necessity of continuing the pursuit, based upon what reasonably appears to be the facts known or perceived by the officer. Pursuits shall be terminated if the dangers of continuing the chase clearly outweigh the benefits of continuing it, or if specifically instructed to do so by a supervisor or command officer."

(21) The accused, by continuing the pursuit of the vehicle driven by Richard Phillips through San Francisco, the Bay Bridge, Oakland, and Berkeley at high speeds neglected his duty as a police officer to terminate the pursuit in violation of Section A-9 of General Order D-1 of the San Francisco Police Department which states:

"GENERAL ORDER D-1, Section A-9:

Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

SPECIFICATION NO. 5

(22) The allegations contained in Specifications No. 1 and 2, paragraphs (1) through (13) are realleged and incorporated herein by reference as though fully set forth herein;

(23) On June 16, 1990, at approximately 2030, the accused struck Richard Phillips causing multiple lacerations and contusions to complainant's face;

(24) During the investigation conducted by the Office of Citizen Complaints, the accused was interviewed on September 11, 1990, and he denied that he struck Richard Phillips;

(25) The strikes by the accused to Richard Phillips' head and body were without provocation and unnecessary;

(26) The accused by misrepresenting how Richard Phillips sustained his injuries, neglected his duty as a police officer to answer all questions truthfully and without evasion, which constitutes a violation of Section I(B), of the San Francisco Police Department, General Order L-1 which states:

"It is the policy of the Department that both sworn and non-sworn members cooperate fully with the Office of Citizen Complaints (OCC) staff members in their investigation of citizen complaints. Furthermore, members shall provide full assistance in the expeditious and impartial processing of citizen complaints consistent with this order."

(27) The accused by misrepresenting how Richard Phillips sustained his injuries, neglected his duty as a police officer to answer all questions truthfully and without evasion, which constitutes a violation of Section A-21 of the San Francisco Police Department General Order D-1, which states:

"Members shall when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the members shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, hearings on said charges were held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, September 30, 1993 and on Friday, October 1, 1993 and on Friday, October 1, 1993 a motion was made by the defense attorneys to dismiss the charges made against Sergeant Barsetti, Officers Browne, Lewis and Palada and said motion was granted by Commissioner Low; and

WHEREAS, on Wednesday, January 12, 1994, a unanimous decision to dismiss the charges filed against Sergeant Barsetti, Officers Browne, Lewis and Palada was made by the full Police Commission; therefore be it

RESOLVED, that it is the order of the Police Commission that said charges filed against Sergeant Barsetti, Officers Browne, Lewis and Palada, be, and the same are hereby dismissed.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 1-94

APPROVAL OF DECISION REGARDING DISCIPLINARY CHARGES FILED AGAINST SERGEANT LARRY BARSETTI, TENDERLOIN TASK FORCE, OFFICER EDWARD M. BROWNE, TENDERLOIN TASK FORCE, OFFICER JAMES LEWIS, POTRERO STATION AND OFFICER MICHAEL PALADA, CENTRAL STATION

WHEREAS, on February 20, 1994, Willis A. Casey, former Chief of Police, made and served charges against Officer James Lewis, Potrero Station, as follows:

SPECIFICATION NO. 1

(1) At all times herein mentioned, James Lewis, Star No. 1023, (hereinafter referred to as "the accused") was and is a police officer, employed by the San Francisco Police Department, and at the time of the incident(s) alleged herein was assigned to the Potrero Station of the San Francisco Police Department;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On June 16, 1990, the accused was assigned to work routine patrol in the Potrero District;

(4) On June 16, 1990, at approximately 2005, the accused heard on his PIC radio that a Mission unit was involved in a pursuit of a stolen vehicle. He subsequently joined the pursuit of the vehicle driven by Richard Phillips at 3rd and Bryant Street in San Francisco;

(5) The accused did not radio Communications to request permission to join the pursuit;

(6) The accused pursued Richard Phillips as Mr. Phillips accelerated his vehicle and continued to drive down Bryant Street. Richard Phillips subsequently drove onto the Bay Bridge and across to Oakland and Berkeley on freeways I-80, 580, Highway 24, and numerous residential streets;

(7) During the pursuit of the vehicle driven by Richard Phillips, the accused saw several units driving ahead of him but he continued to pursue Mr. Phillips at high speeds until they reached Garber Street and Oak Knoll Terrace in Berkeley;

(8) On June 16, 1990, at or about 2030 in the vicinity of Garber Street and Oak Knoll Terrace in Berkeley, the accused and other officers struck Richard Phillips after he had exited his vehicle with his hands above his head;

(9) Richard Phillips suffered multiple lacerations and contusions to his face as a result of the blows;

(10) The strikes to Richard Phillips were without provocation and unnecessary;

(11) The accused, by striking Richard Phillips, without just cause, used unnecessary force which constitutes a violation of Section XI(A) of General Order F04 of the San Francisco Police Department which states:

"GENERAL ORDER F-4, Section XI(A):

Unnecessary force occurs when physical abuse of a person being arrested or detained is exacted or when it is apparent that the type of degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

(12) The accused, by striking Richard Phillips, without just cause, used unnecessary force which constitutes a violation of Section A-9 of General Order D-1 of the San Francisco Police Department which states:

"GENERAL ORDER D-1, Section A-9:

Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any ember either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

SPECIFICATION NO. 2

(13) The allegations contained in Specification No. 1, paragraphs (1) through (7) are realleged and incorporated herein by reference as though fully set forth herein;

(14) The accused, by continuing the pursuit of the vehicle driven by Richard Phillips through San Francisco, the Bay Bridge, Oakland and Berkeley at high speeds neglected his duty as a police officer by participating in the pursuit of a vehicle when more than two units were known to be involved and without notifying Communications in violation of Section III(D) of General Order F-2 of the San Francisco Police Department which states:

"GENERAL ORDER F-2, Section III(D):

Unless as directed by a supervisor or command officer, no more than two units are knowingly to be involved in a vehicle pursuit. Pursuing units shall monitor radio communications to ascertain that no more than two units are involved, which unit(s) is to cease pursuit. Any additional vehicle intending to join a vehicle pursuit shall notify Communications and request approval to do so ...

(15) The accused, by continuing the pursuit of the vehicle driven by Richard Phillips through San Francisco, the Bay Bridge, Oakland and Berkeley at high speeds neglected his duty as a police officer by participating in the pursuit of a vehicle when more than two units were known to be involved and without notifying Communications in violation of Section A-9 of General Order D-1 of the San Francisco Police Department which states:

"GENERAL ORDER D-1, Section A-9:

Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any ember either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

SPECIFICATION NO. 3

(16) The allegations contained in Specification No. 1, paragraphs (1) through (11) are realleged and incorporated herein by reference as though fully set forth herein;

(17) On June 16, 1990, at approximately 2030, the accused struck Richard Phillips causing multiple lacerations and contusions to Mr. Phillips' face;

(18) During the investigation conducted by the Office of Citizen Complaints, the accused was interviewed on September 6, 1990, and he denied that he struck Richard Phillips;

(19) The strikes by the accused to Richard Phillips were without provocation and unnecessary;

(20) The accused by misrepresenting how Richard Phillips sustained his injuries, neglected his duty as a police officer to answer all questions truthfully and without evasion, which constitutes a violation of Section I(B), of the San Francisco Police Department General Order L-1 which states:

"GENERAL ORDER L-1, Section I(B):

It is the policy of the Department that both sworn and non-sworn members cooperate fully with the Office of Citizen Complaints (OCC) staff members in their investigation of citizen complaints. Furthermore, members shall provide fully assistance in the expeditious and impartial processing of citizen complaints consistent with this order."

(21) The accused by misrepresenting how Richard Phillips sustained his injuries, neglected his duty as a police officer to answer all questions truthfully and without evasion, which constitutes a violation of Section A-21, of San Francisco Police Department General Order D-1, which states:

"GENERAL ORDER D-1, Section A-21:

Members shall when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the members shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, hearings on said charges were held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, September 30, 1993 and on Friday, October 1, 1993 and on Friday, October 1, 1993 a motion was made by the defense attorneys to dismiss the charges made against Sergeant Barsetti, Officers Browne, Lewis and Palada and said motion was granted by Commissioner Low; and

WHEREAS, on Wednesday, January 12, 1994, a unanimous decision to dismiss the charges filed against Sergeant Barsetti, Officers Browne, Lewis and Palada was made by the full Police Commission; therefore be it

RESOLVED, that it is the order of the Police Commission that said charges filed against Sergeant Barsetti, Officers Browne, Lewis and Palada, be, and the same are hereby dismissed.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 1-94

APPROVAL OF DECISION REGARDING DISCIPLINARY CHARGES FILED AGAINST SERGEANT LARRY BARSETTI, TENDERLOIN TASK FORCE, OFFICER EDWARD M. BROWNE, TENDERLOIN TASK FORCE, OFFICER JAMES LEWIS, POTRERO STATION AND OFFICER MICHAEL PALADA, CENTRAL STATION

WHEREAS, on February 20, 1992, Willis A. Casey, former Chief of Police, made and served charges against Officer Michael Palada, Central Station, as follows:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Michael Palada, Star No. 647, (hereinafter referred to as "the accused") was and is a police officer, employed by the San Francisco Police Department, and at the time of the incident(s) alleged herein was assigned to the Mission Station of the San Francisco Police Department;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On June 16, 1990, the accused was assigned to work routine patrol in the Mission District;

(4) On June 16, 1990, at approximately 2005, near the intersection of South Van Ness and Division Streets, the accused and his partner observed a 1990 Cadillac Driven by Richard Phillips. They conducted a random computer check and determined that the vehicle was stolen;

(5) The accused and his partner trailed the vehicle driven by Richard Phillips and attempted a traffic stop at 17th Street in San Francisco;

(6) Richard Phillips accelerated his vehicle and continued to drive through South Van Ness to 16th Street and subsequently drove onto the Bay Bridge and across to Oakland and Berkeley on freeways I-80, 580, Highway 24, and numerous residential streets;

(7) During the pursuit of Richard Phillips, the accused's partner Officer Edward Browne rammed the vehicle driven by Richard Phillips with San Francisco Police Department vehicle B083. The accused and his partner continued pursuing the vehicle driven by Richard Phillips at high speeds until they reached Garber Street and Oak Knoll Terrace in Berkeley;

(8) On June 16, 1990, at or about 2030 in the vicinity of Garber Street and Oak Knoll Terrace in Berkeley, the accused and other officers struck Richard Phillips after he had exited his vehicle with his hands above his head;

(9) Richard Phillips suffered multiple lacerations and contusions to his face as a result of the blows;

(10) The strikes to Richard Phillips' head and body were without provocation and unnecessary;

(11) The accused, by striking Richard Phillips, without just cause, used unnecessary force which constitutes a violation of Rule A-9 of Section XI(A) of General Order F-4 which states:

"GENERAL ORDER F-4, Section XI(A):

Unnecessary force occurs when physical abuse of a person being arrested or detained is exacted or when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

(12) The accused, by striking Richard Phillips, without just cause, used unnecessary force which constitutes a violation of Section A-9 of General Order D-1 of the San Francisco Police Department which states:

"GENERAL ORDER D-1, Section A-9:

Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any ember either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

SPECIFICATION NO. 2

(13) On June 16, 1990, the accused struck Richard Phillips causing injury to Mr. Phillips in the course of the accused's assignment as alleged in Specification No. 1, hereinabove;

(14) The accused did not report that he had struck Richard Phillips causing injury to Mr. Phillips to Officer Juan Gomez, Star No. 998, the officer assigned to write the incident report in the above-alleged matters;

(15) The accused, by failing to report that he had used force in connection with his duties on June 16, 1990, as alleged hereinabove, has engaged in conduct which constitutes a violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department, and Training Bulletin No. 87-17, which states:

XII. REPORTING USE OF FORCE

A. Officers must report the use of the following types of force:

1. Physical strength when injury to the suspect results.

2. Liquid chemical agent (Mace).

3. The department issued baton when the suspect is struck.

4. When the officer finds it necessary to strike a suspect with a fist, flashlight or any other item.

5. Carotid Restraint.

B. In all cases in which any of the above types of force are used, an incident report will be prepared. The officer using the force will include the following elements in the text of the report:

1. The type of force used (e.g. mace, struck with fist).

2. A brief statement of the reason for the use of force (e.g. subject resisted arrest).

Training Bulletin No. 87-17, THE REVISED REPORT SYSTEM, of the San Francisco Police Department:

83. NARRATIVE SECTION

In order to insure completeness, all of the facts known to the investigating officers(s) shall be reported. Such facts include: The establishment of all elements of the corpus delicti; the identification of all parties involved; the description of their actions (including their prior actions which lead to the incident); the reporting of their statements, and the listing of the investigative steps taken by all officers."

SPECIFICATION NO. 3

(16) The allegations contained in Specification No. 1, paragraphs (1) through (7) re realleged and incorporated herein by reference as though fully set forth herein;

(17) The accused, by continuing the pursuit of the vehicle driven by Richard Phillips through San Francisco, the Bay Bridge, Oakland, and Berkeley at high speeds neglected his duty as a police officer to terminate the pursuit in violation of Section III(E) of General Order F-2 of the San Francisco Police Department which states:

"GENERAL ORDER F-2, Section III(E)

During the course of a pursuit, officers must question the reasonable necessity of continuing the pursuit, based upon what reasonably appears to be the facts known or perceived by the officer. Pursuits shall be terminated if the dangers of continuing the chase clearly outweigh the benefits of continuing it, or if specifically instructed to do so by a supervisor or command officer."

(18) The accused, by continuing the pursuit of the vehicle driven by Richard Phillips through San Francisco, the Bay Bridge, Oakland, and Berkeley at high speeds neglected his duty as a police officer to terminate the pursuit in violation of Section A-9 of General Order D-1 of the San Francisco Police Department which states:

"GENERAL ORDER D-1, Section A-9:

Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any ember either within or without the state which tends to subvert the good order, efficiency or discipline of the

department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

SPECIFICATION NO. 4

(19) The allegations contained in Specification No. 1, paragraphs (1) through (11) are realleged and incorporated herein by reference as though fully set forth herein;

(20) On June 16, 1990, at approximately 2030, the accused struck Richard Phillips causing multiple lacerations and contusions to Mr. Phillips' face;

(21) During the investigation conducted by the Office of Citizen Complaints, the accused was interviewed on September 11, 1990, and he denied that he struck Richard Phillips;

(22) The strikes by the accused to Richard Phillips were without provocation and unnecessary;

(23) The accused by misrepresenting how Richard Phillips sustained his injuries, neglected his duty as a police officer to answer all questions truthfully and without evasion, which constitutes a violation of Section I(B), of the San Francisco Police Department General Order L-1 which states:

"GENERAL ORDER L-1, Section I(B):

It is the policy of the Department that both sworn and non-sworn members cooperate fully with the Office of Citizen Complaints (OCC) staff members in their investigation of citizen complaints. Furthermore, members shall provide full assistance in the expeditious and impartial processing of citizen complaints consistent with this order."

(24) The accused by misrepresenting how Richard Phillips sustained his injuries, neglected his duty as a police officer to answer all questions truthfully and without evasion, which constitutes a violation of Section A-21, of the San Francisco Police Department General Order D-1, which states:

"GENERAL ORDER D-1, Section A-21:

Members shall when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the members shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

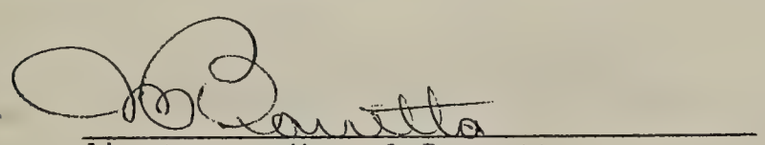
WHEREAS, hearings on said charges were held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, September 30, 1993 and on Friday, October 1, 1993 and on Friday, October 1, 1993 a motion was made by the defense attorneys to dismiss the charges made against Sergeant Barsetti, Officers Browne, Lewis and Palada and said motion was granted by Commissioner Low; and

WHEREAS, on Wednesday, January 12, 1994, a unanimous decision to dismiss the charges filed against Sergeant Barsetti, Officers Browne, Lewis and Palada was made by the full Police Commission; therefore be it

RESOLVED, that it is the order of the Police Commission that said charges filed against Sergeant Barsetti, Officers Browne, Lewis and Palada, be, and the same are hereby dismissed.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

Thereafter, the meeting was adjourned at 8:05 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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and

WHEREAS, hearings on said charges were held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, September 30, 1993 and on Friday, October 1, 1993 and on Friday, October 1, 1993 a motion was made by the defense attorneys to dismiss the charges made against Sergeant Barsetti, Officers Browne, Lewis and Palada and said motion was granted by Commissioner Low; and

WHEREAS, on Wednesday, January 12, 1994, a unanimous decision to dismiss the charges filed against Sergeant Barsetti, Officers Browne, Lewis and Palada was made by the full Police Commission; therefore be it

RESOLVED, that it is the order of the Police Commission that said charges filed against Sergeant Barsetti, Officers Browne, Lewis and Palada, be, and the same are hereby dismissed.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

Thereafter, the meeting was adjourned at 8:05 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JANUARY 19, 1994

EXECUTIVE SESSION

Glide Memorial Church
Freedom Hall
Ellis Street and Taylor Street
5:45 p.m.

Attorney-Client Conference

a. Hong Fun Ma v. CCSF, et al

JANUARY POLICE COMMISSION MEETING

On Wednesday, January 19, 1994 the Tenderloin Task Force will host the Police Commission meeting. This meeting will be held at 6:00 PM hours at Glide Memorial Church, Freedom Hall located at Ellis Street and Taylor Street

Anyone wishing to come will be welcomed. There will be time for comments at the end of the meeting to the Police Commission. This is a good time to hear what the community thinks and have your voice heard.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JANUARY 19, 1994

REGULAR MEETING

Glide Memorial Church
Freedom Hall
Ellis Street and Taylor Street
6:00 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Notification of Resignation of Officer Andrew Rolfes
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Adoption of General Order D-17 "Discrimination and Harassment"
9. Captain Walter Cullop, Commanding Officer, Tenderloin Task Force, to Address the Commission on Police Activities in the Tenderloin District
10. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JANUARY 19, 1994
CONSENT CALENDAR

1. Request of the Chief of Police to Accept a Donation of Scientific Equipment from Genentech, Inc., for Use of the Crime Laboratory

2. Request of the Chief of Police for Approval of Taxicab Owners Permit for Mr. Eugenio Blanco

3. Request of the Chief of Police for Approval of Taxicab Owners Permit for Mr. Phillip Dickson

4. Request of the Chief of Police for Removal of Ms. Bonnie McLeon from the Taxicab Applicant's Waiting List

5. Recommendation of the City Attorney for Settlement of the following Claim:

   a. Hong Fun Ma v. CCSF, el al $62,500.00

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JANUARY 19, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in the Tenderloin District, at Glide Memorial Church, Ellis and Taylor Streets, from 5:50 p.m. to 6:10 p.m. for an Executive Session.

a. Hong Fun Ma v. CCSF, et al

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

JANUARY 19, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Tenderloin District, at Glide Memorial Church, Ellis and Taylor Streets, at 6:15 p.m., for a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSED EXECUTIVE SESSION DISCUSSION

Motion by Commissioner Hewlett, second by Commissioner Rodriguez that the Commission reveal the decision of their Executive Session. Matter approved 5-0.

Commissioner Low then read the items on the Consent Calendar and stated that the Commission voted to approve.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Feinstein, second by Commissioner Hewlett. Matter approved 5-0.

RESOLUTION NO. 7-94

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT A DONATION OF SCIENTIFIC EQUIPMENT FROM GENENTECH, INC., FOR USE OF THE CRIME LABORATORY

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of scientific equipment from Genentech, Inc., for use of the Crime Laboratory.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 8-94

TAXICAB PERMIT APPLICATION OF EUGENIO BLANCO

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefore; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Eugenio Blanco, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Eugenio Blanco.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 9-94

TAXICAB PERMIT APPLICATION OF PHILLIP DICKSON

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefore; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Phillip Dickson, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Phillip Dickson.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 10-94

REMOVAL OF MS. BONNIE McLEOD FROM THE TAXICAB APPLICANT'S LIST

WHEREAS, Ms. Bonnie McLeod has not maintained current address information with the Taxi Detail since 1985; and

WHEREAS, records check was made with the Department of Motor Vehicles as well as all department computer systems with negative results; and

WHEREAS, the Taxicab Detail recommends that Ms. Bonnie McLeod be removed from the Taxicab Applicant's list; therefore be it

RESOLVED, that the Police Commission hereby approves the removal of Ms. Bonnie McLeod from the Taxicab Public Convenience and Necessity List.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 11-94

HONG FUN MA v. CCSF, et al.

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Hong Fun Ma v. CCSF, et al" in Superior Court No. 934089 in the amount of $62,500.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: July 4, 1990

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

a. Notification of Resignation of Officer Andrew Rolfes

Notification of resignation of Officer Andrew Rolfes. Commissioner Low stated the resignation is noted and the matter is taken off calendar.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera stated that on Monday, January 24, 1994, he will be appointing 51 new police officers. He also welcomed members of the audience including the Guardian Angels.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Porter stated that on January 26, she will appear before the Board of Supervisors to support restoring three positions to the OCC staff. She also stated she had an approval of computer updated equipment for her office.

ADOPTION OF GENERAL ORDER D-17 "DISCRIMINATION AND HARASSMENT"

Commissioner Low stated General Order D-17 was postponed from last week to this week for comments. Commissioner Low stated he received a letter from the POA president, Al Triguiero, regarding their concerns. He stated that matters of discipline policy lies with the Commission and the Commission will address those.

PUBLIC COMMENTS re: General Order D-17

Al Triguiero, POA President, discussed the Association's concern and requested meet and confer further after adoption for strengthening of General Order D-17.

Lon Ramlan, Asian Peace Officers' Association, supported D-17 and agrees with Al Triguiero regarding consistent meet and confer process regarding strengthening of the order.

Officer Serujo, Latino Police Officers' Association, also supported D-17.

Stephanie Thorne, Women Officers Network, supported D-17 but also expressed concerns in two areas; (1) Time limit section and stated the one area Federal time frame is not included and also the time limit for finding resolution by the Commission.

Louette Columbano, Commission on Status of Women, discussed retaliation clause and the enhancement clause.

Sharon Ferrigno, member of POA, supports D.17.

Lynette Hogue stated she supports D-17 and has other concerns including liability issues.

After discussion, motion by Commissioner Hewlett, second by Commissioner Feinstein. Matter approved 5-0.

Commissioner Hewlett then thanked Judith Klein on Commission of Status of Women, the POA, Women Officers Network, the Asian POA, the Latino POA, Chief Ribera, Captain Molinari and other members who were involved in working on the General Order. Commissioner Hewlett then suggested that the matter be calendared possibly in approximately six months for review and evaluation.

CAPTAIN WALTER CULLOP, COMMANDER OFFICER, TENDERLOIN TASK FORCE, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TENDERLOIN DISTRICT

Captain Cullop, Tenderloin Task Force, addressed the audience regarding background of the Tenderloin Task Force. He discussed staffing, working with different persons in the district and discussed code enforcement in the district regarding problem properties and other concerns.

PUBLIC COMMENTS

Worldwind Dreamer, Food Not Bombs, discussed harassment of members of Food Not Bombs and talked of priorities of the Police Department.

Tony McConti, North Market Planning Coalition, read a statement from Mr. Ed Evans and asked for more officers and asked that more officers be assigned to the Tenderloin Task Force and talked of problems including fencing activity and habitual drinking.

Unidentified, Northbeach Resident, discussed music being played all day and threats to the residence in the area of Beach and Larkin.

Ken Matthews, resident, discussed harassment at the location of Turk and Jones.

Calvin Thomas commend members of the Tenderloin Task Force and discussed crime in the area.

Thomas Washington, musician, discussed stolen saxophone located by him in a pawnshop and talked of problems retrieving the instrument.

Mike Fluke, Save Our Streets Foundation, presented Captain Cullop with the perpetual Tot Cop Plaque for the unit and asked the Commission to support legislation to allow confiscation of cars of johns in prostitution activity.

Commissioner Low left at 7:30 p.m.

Katherine Bombrowski discussed crime in Sutter and Stockton.

Jerry (no last name) discussed drinking and drug in the area of Taylor and Eddy.

Tony Davidson, resident, expressed support for Food Not Bombs organization.

John O'Brien discussed first amendment guidelines and unmarked vehicles in the Tenderloin area.

Charles Chapman, musician, addressed the Commission regarding attempting to get a sound permit for Union Square for February 17th, 18th, and 19th.

Lance Goric, resident, discussed businesses charging different prices to different persons.

Commissioner Hewlett then thanked the Reverend Cecil Williams for his hospitality and used of his facility by the Police Commission for the community meeting.

Thereafter, the meeting was adjourned at 7:50 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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W/7107M

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
FRIDAY, JANUARY 28, 1994

SPECIAL MEETING

ROOM 551
3:00 p.m.

Civil Disturbance Guidelines Committee
Revision of Civil Disturbance Guidelines

Public Discussion and Comments of Proposed Guidelines for the Protection of First Amendment Activities.

** There will be no Police Commission Regular Meeting on Wednesday, January 26, 1994. The next meeting will be on Wednesday, February 2, 1994 in Room 551, at the Hall of Justice, at 5:30 p.m.

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION ~~MEETING~~
WEDNESDAY, FEBRUARY 2, 1994

EXECUTIVE SESSION

Room 505-2
5:00 p.m.

Attorney-Client Conference

a. Samih Loubieh v. CCSF

b. Pending Litigation
The Officers for Justice vs. Civil Service Commission
C73-0657 CAL
(Government Code 54956.9(b)(1))

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, FEBRUARY 2, 1994

REGULAR MEETING

Room 551
5:30 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Vote on Whether to Disclose Executive Session Discussion

4. Approval of Minutes of Meeting of December 15, 1993

5. Approval of Consent Calendar

6. Police Commission Report
   a. Motion on Calendaring of New Matters

7. Assignment of Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Officer Kelvin K. Tso, Taraval Station (File No. C34-114 JWA)

8. Chief's Report to the Police Commission

9. OCC Director's Report to the Police Commission

10. Request of the Chief of Police for Approval of the Recommendation of the Awards Committee

11. Request of the Chief of Police for Approval of Transfer of Patrol Beat No. 148 to Patrol Special Samuel Reyes, Sr. and Revokes Norman A. Jackson's Status as a Patrol Special Officer

12. Discussion on Implementation of the Police Officers' Association Memoradum of Understanding Provisions Concerning the Office of Citizen Complaints Confidentiality

13. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, FEBRUARY 2, 1994
CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following Claim:

   a. Samih Laoubieh v. CCSF $6,573.40

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

SF Police Commission. Minutes

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FEBRUARY 2, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 5:10 p.m. to 6:05 p.m., for an Executive Session.

a. Samih Loubieh v. CCSF
b. Pending Litigation
The Officers for Justice vs. Civil Service Commission C73-0657 CAL (Government Code 54956.9(b)(1))

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

FEBRUARY 2, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 6:10 p.m., for a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

VOTE TO WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Motion by Commissioner Hewlett, second by Commissioner Feinstein to reveal discussions in Executive Session. Approved 5-0.

Judge Low then announced on Executive Session they discussed Career Development, promotions and advancement within the department; discussed expiration of existing sergeants and inspectors list and then agreement to schedule a new sergeants examination for September of '95. Commissioner Low also announced consensus and agreement of the Commission to work on a career development plan. Commissioner Hewlett will work with the Chief on a career development plan. The Commission also invited individuals and groups to participate and give input on career development plan. The Commission also discussed cultural diversity training that will continue as in the past with only minor changes.

APPROVAL OF MINUTES OF MEETING OF DECEMBER 15, 1993

Approval of minutes of the meeting of December 15, 1993, the Commissioners having received, approved and returned the copies of same.

Motion by Commissioner Rodriguez, second by Commissioner Feinstein. Minutes approved 5-0.

POLICE COMMISSION REPORT

Commissioner Low announced no meeting February 9th. Next meeting will be February 16, 1994, in the Park District.

RESOLUTION NO. 13-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER KELVIN K. TSO, TARAVAL STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Kelvin K. Tso, Taraval Station, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Tso; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Tso and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed crime statistics including Part One, crime for December, we're down 15.4% and for the year down 11.4%. He also discussed increase in juvenile crimes and stated that Commander Philpott and Lt. Lang were working on crime reporting regarding juveniles and he stated the department may have misclassified attempted homicides. He asked to look into the crime reporting. Commander Holder then briefed the Commission on several matters including Fugitive Recovery Program, the Parolee at Large Program, the Public Housing Improve through Enforcement Program.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Porter stated she is still working on the supplemental budget request. She met with the Board of Supervisors and the budget is recalendared for two weeks. She then asked the Chief to work with her on exploration regarding the budget problems and stated she will have the year end statistical reports soon. She also stated the OCC is working with the district captains regarding trends of complaints.

Commissioner Low then appointed Commissioner Rodriguez to work as a liaison with OCC.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF THE RECOMMENDATION OF THE AWARDS COMMITTEE

Commissioner Rodriguez briefed the Commission of the recommendation of the Awards Committee and several incidents of actions by officers which he commended. He then made a motion, second by Commissioner Hewlett to approve the recommendations of the committee and also to award the Gold Medal nominees an amount of $1,000.00 each. Motion approved 5-0.

RESOLUTION NO. 14-94

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provision of General Order O-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Thursday, January 13, 1994 and Tuesday, January 18, 1994; and

WHEREAS, the Chief of Police Anthony D. Ribera has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Inspector Holly Pera, Inspector John Carroll, Officer Daryl Dean, Officer Thomas Vellone are hereby awarded the Gold Medals of Valor and granted the reward of $1,000.00 each; and be it further

RESOLVED, that Lieutenant Dirk Beijen, Officer Dino Zografos and Officer James Gaggero are hereby awarded the Silver Medals of Valor and granted rewards of $300.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeant Kevin Cashman, Sergeant Patrick Tobin, Officer E.R. Balinton, Officer David Bardoni, Officer William Boniface, Officer Oscar Carcelen, Officer Colleen Carlson, Officer Benny Fong, Officer Michelle Jean, Officer Bart Johnson, Officer Steven Landi, Officer Michael Moron, Officer Robert Ramos, Officer Michael Renteria, Officer John Robertson, Officer John Ruggeiro, Officer Lee Nyder Sullivan, Officer Melvin Thornton, Officer Richard Tong, Officer Michael Toropovsky, Officer Barry Weaver, Officer Jones Wong and PSO Samuel Reyes are hereby awarded the Bronze Medals of Valor and granted rewards of $150.00 each, as provided for under the said Section of the Charter; and be it further

RESOLVED, that Inspector William Canning, Officer Michael Bolte, Officer Joseph Buono, Officer Gary Fagundes, Officer Michael Keys, Officer Paul Lozada and Officer Juanita Stockwell are hereby awarded the Meritorious Conduct Awards and granted a reward of $150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

APPROVAL OF TRANSFER OF PATROL BEAT NO. 148 TO PATROL SPECIAL SAMUEL REYES, SR. AND REVOKES NORMAN A. JACKSON'S STATUS AS A PATROL SPECIAL OFFICER

Motion by Commissioner Feinsten, second by Commissioner Hewlett. Approved 5-0.

RESOLUTION NO. 15-94

APPROVAL OF TRANSFER OF PATROL BEAT NO. 148 TO PATROL SPECIAL SAMUEL REYES, SR. AND REVOKES NORMAN A. JACKSON'S STATUS AS A PATROL SPECIAL OFFICER

WHEREAS, Patrol Special Officer Norman A. Jackson requested permission to sell and transfer Patrol Special Beat No. 148 to Patrol Special Officer Samuel J. Reyes, Sr.; and

WHEREAS, Patrol Special Officer Norman A. Jackson and Patrol Special Officer Samuel J. Reyes, Sr. have entered into an agreement for the transfer of Beat No. 148; and

WHEREAS, all requirements of Rule 1.53 of the current Rules and Procedures of Patrol Special Officers have been met; now, therefore, be it

RESOLVED, that ownership of Patrol Special Beat No. 148 is transferred from Norman A. Jackson to Samuel J. Reyes, Sr. and that Normal A. Jackson's status as a Patrol Special Officer is hereby revoked.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

DISCUSSION ON IMPLEMENTATION OF THE POLICE OFFICERS' ASSOCIATION MEMORANDUM OF UNDERSTANDING PROVISIONS CONCERNING THE OFFICE OF CITIZEN COMPLAINTS CONFIDENTIALITY

After discussion, the Commission will submit a proposal to the OCC to draft a disclosure plan which will be done after review by the City Attorney.

John Crew, ACLU, addressed the Commission regarding openness and Mariam Morley, from City Attorney's Office, discussed the openness issue. He also discussed rules regarding evidence and also discussed recalendar of an update in approximately one month.

PUBLIC COMMENTS

Maggie Olsen discussed homeless issues.

Al Triguiero, POA President, expressed deep disappointment that the Commission will not re-extend the Q-50 Sergeants/Inspectors list. He referred to the approximately 70 vacant positions in the inspectors bureau and that the POA is prepared to move on career development program and he would like officers to address the Commission.

Commissioner Feinstein addressed her concerns regarding staff shortages and stated she will work with all organizations for a possible remedy.

Commissioner Hewlett then stated the career development is a priority of the Commission.

Dan Gardner, Inspector General Works, discussed testing schedule and expressed the need for more inspectors.

John Sanford, Vice President OFJ, stated he oppose to the extension of the sergeant/inspectors list. Thanked and commends the Commission for not extending or voting to extend. He also stated he welcomes working on career development program.

Cornella Castiliano, Public Advocate, Attorney for the OFJ, discussed implementation of career development plan and commends the Commission for not extending the sergeants/inspectors list.

Officer Steve Muramoto, patrolman, expressed his concerns for no promotional test planned for the next 18 months.

Officer Vince Catanzaro expressed disappointment at not extending the list and expressed concerns regarding domestic violence cases not being investigated due to staff shortages.

Phil Dito, POA, discussed temporary job performance and favoritism for temporary employment to inspectors and sergeants.

Thereafter, the meeting was adjourned at 7:10 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
FRIDAY, FEBRUARY 11, 1994

SPECIAL MEETING

ROOM 505
3:00 p.m.

Civil Disturbance Guidelines Committee
Revision of Civil Disturbance Guidelines

Public Discussion and Comments of Proposed Guidelines for the Protection of First Amendment Activities.

** There will be no Police Commission Regular Meeting on Wednesday, February 9, 1994. The next meeting will be on Wednesday, February 16, 1994 in the Park District, at William DeAvila School, 1351 Haight Street, at 6:00 p.m.

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, FEBRUARY 16, 1994

EXECUTIVE SESSION

Park District
William DeAvila School
1351 Haight Street

5:45 p.m.

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Attorney-Client Conference

a. Richard Haden v. CCSF

San Francisco Police Commission
and
Park District Station

Cordially invite you to attend
the monthly meeting
of the
San Francisco Police Commission

Wednesday, February 16, 1994
William DeAvila School
1351 Haight Street
6:00 p.m.

Come and meet the San Francisco Police Commissioners
There will be a public comment session during the hearing
For more information, please contact:

Officer Mike Gannon
553-1061

Please invite your neighbors

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, FEBRUARY 16, 1994

REGULAR MEETING

Park District
William DeAvila School
1351 Haight Street
6:00 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Vote on Whether to Disclose Executive Session Discussion

4. Approval of Minutes of Meetings of January 12, 1994 & January 19, 1994

5. Approval of Consent Calendar

6. Police Commission Report
   a. Motion on Calendaring of New Matters

7. Assignment of Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Officer Clifton A. Matthews, Support Services Bureau (File No. C34-136 JWA)

8. Assignment of Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Sergeant Joseph L. Weatherman, Support Services Bureau (File No. C34-146 EEO)

9. Chief's Report to the Police Commission

10. OCC Director's Report to the Police Commission

11. Captain Robert Berry, Commanding Officer, Park Station, to Address the Commission on Police Activities in the Park District

12. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, FEBRUARY 16, 1994

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following Claim:

   a. Richard Haden V. CCSF $15,000.00

2. Request of the Chief of Police for Approval of Taxicab Owners Permit for Mr. John J. Smith

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

Minutes.

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FEBRUARY 16, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in the Park District at William DeAvila School, 1351 Haight Street, for an Executive Session.

Attorney-Client Conference
a. Richard Haden v. CCSF

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low

FEBRUARY 16, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Park District at William DeAvila School, 1351 Haight Street, for a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low announced they met in closed session regarding an item on the Consent Calendar.

APPROVAL OF MINUTES OF MEETINGS OF JANUARY 12, 1994 & JANUARY 19, 1994

Approval of minutes of the meetings of January 12, 1994 and January 19, 1994, the Commissioners having received, approved and returned the copies of same.

Motion by Commissioner Hewlett, second by Commissioner Feinstein. Minutes approved 4-0.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Feinstein, second by Commissioner Friday. Approved 4-0.

RESOLUTION NO. 16-94

RICHARD HADEN v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Richard Haden v. CCSF" in United States District Court No. C92-0532 in the amount of $15,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: December 21, 1993

AYES: Commissioners Feinstein, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

RESOLUTION NO. 17-94

TAXICAB PERMIT APPLICATION OF JOHN J. SMITH

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefore; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that John J. Smith, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to John J. Smith.

AYES: Commissioners Feinstein, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

POLICE COMMISSION REPORT

The meeting started at 6:05. Commissioner Low introduced the Commissioner, Chief Ribera and the staff of OCC, John Parker and the City Attorney Linda Ross.

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER CLIFTON A. MATTHEWS, SUPPORT SERVICES BUREAU (FILE NO. C34-136 JWA)

Assigned to Commissioner Hewlett. Pre-hearing conference scheduled for February 24, 1994 at 4:00 p.m.

RESOLUTION NO. 18-94

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER CLIFTON A. MATTHEWS, SUPPORT SERVICES DIVISION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Officer Clifton A. Matthews, Support Services Division, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Matthews; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Clifton Matthews and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON CHARGES FILED AGAINST SERGEANT JOSEPH L. WEATHERMAN, SUPPORT SERVICES BUREAU (FILE NO. C34-146 EEO)

Assigned to Commissioner Feinstein. Maria Narayan, special prosecutor for the Department appeared. Counsel for, Davis, Reno & Courtney appeared on behalf of Sgt. Weatherman. Pre-hearing conference

scheduled for March 1, 1994 at 3:00 p.m.

RESOLUTION NO. 19-94

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON CHARGES FILED AGAINST SERGEANT JOSEPH L. WEATHERMAN, SUPPORT SERVICES DIVISION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Sergeant Joseph L. Weatherman, Support Services Division, was called it having been set for this date; and

WHEREAS, Commissioner Katherine Feinstein is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Weatherman; therefore be it

RESOLVED, that Commissioner Feinstein is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Joseph Weatherman and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera stated he met with the Consent Decree and the Auditor Monitor regarding minorities in the position of captain and command staff. He stated that he will meet next with the counsel for affirmative action plan. He also discussed full staffing of the departments and briefed the Commission on the Crime Summit Meeting he recently attended. He also stated he will soon be submitting the budget for 94/95. He advised the Commission that on February 22nd the Citizens Academy will begin at the Police Academy. He also stated that on Saturday and Sunday, February 12 and 13th, a Critical Incident Training exercise was held in which 125 officers participated. he stated that all went well and commends Deputy Chief Petrini and all specialist involved in the training.

Commissioner Hewlett then asked the Chief to report next week regarding budget and the effect on the budget by the Federal Crime Bill. She also asked that Anne Kronenberg, member of the Mayor's Budget Staff, attend the meeting for any questions that might arise. Commissioner Hewlett then asked Deputy Chief Petrini to report in the near future regarding disaster equipment.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, Acting Director OCC, advised the audience and described the duties of the OCC. He also asked that three items be calendared for the next business meeting. Items included a personnel matter, year end statistics and the OCC budget.

CAPTAIN ROBERT BERRY, COMMANDING OFFICER, PARK STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE PARK DISTRICT

Captain Berry, from Park Station, briefed the audience regarding activities in the district, criminal statistics and the Matrix Program presently underway in the Park District.

Commissioner Hewlett commended officers of the Park District and Commissioner Feinstein discussed use of SWAP persons.

PUBLIC COMMENTS

Joseph Kanaka welcomes the Commission and discussed unreported crime and violations in the area. He discussed drugs and gang activities including crack dealing and asked that more officers be assigned to the area.

John Barnard, Haight Ashbury Improvement Association, asked for more foot patrol officers.

David Kromey, resident, commended the Commission for the district meeting. Commended Captain Berry for his participation in the regular district meeting of community groups and talked of AFDC regarding juveniles. (Aide for Families with Dependant Children)

Buzz Benard, business owner, discussed the problems with street people and asked for more undercover police.

Carol Isaacs thanked Captain Berry for his efforts and asked that more officers be assigned to the district station and discussed problems on Haight Street.

Karen Kromey, resident, discussed problems with skateboarders selling drugs and other problems they caused. She supports the Matrix System and asked for more officers.

Fred Bedelamento, Cole/Valley Street Association, thanked the Commission for meeting in the district and commended Captain Berry and the officers of Park Station and stated he supports full staffing in the police department.

Pat Ruby discussed problems with skateboarders in the area and the posting of signs in the area.

John Bardis, Inner Sunset Action Commission, thanked the Commission for the district meeting, commended Captain Berry and stated he does not support full staffing of the police department and discussed one-man patrol vehicles vs. two.

Nate Arbay, Black Muslim Bakery, discussed drug use in the area and how his business attempting to assists street people. He is willing to work with the police to fight the problem and questions why his employees who are assisting are cited for promoting his business.

Katherine Bowbrowski discussed Sutter/Stockton panhandling, no cops in the area.

Mike Arage, Drug Action Committee, discussed panhandling, drugs, gambling in the area. He supports full staffing of the department.

Leslie Corrales, proprietor Haight Street, commends the police and supports the officers and asked for more beat officers so that they can get to know the merchants.

Thereafter, the meeting was adjourned at 8:00 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, FEBRUARY 23, 1994

EXECUTIVE SESSION

Room 505-2
5:00 p.m.

Attorney-Client Conference

a. Terry Brewer v. CCSF

b. Personnel

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, FEBRUARY 23, 1994

REGULAR MEETING

Room 551
6:00 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Vote on Whether to Disclose Executive Session Discussion

4. Approval of Consent Calendar

5. Police Commission Report
   a. Motion on Calendaring of New Matters

6. Chief's Report to the Police Commission

7. OCC Director's Report to the Police Commission

8. Request of the Chief of Police to Apply for, Accept and Expend Funds from the State Council on Developmental Disabilities to Conduct the "California Law Enforcement Officers Effectively Communicating with Handicapped Offenders" Training Program

9. Submission of the Proposed Fiscal Year 1994-94 Police Department Budget

10. Presentation of the Proposed OCC Budget for Fiscal YEar 94/95

11. Presentation and Discussion of OCC 1993 Statistical Report Year End Summary

12. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

13. Hearing on Charges filed Against Officer Kelvin K. Tso, Taraval Station (File Nos. C34-018, C34-047 & C34-114 JWA)

PRESENT: Commissioners Fajnet, Friday, Hewlett

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, FEBRUARY 23, 1994

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following Claim:

   a. Terry Brewer v. CCSF $35,000.00

2. Request of the Chief of Police for Approval to Accept a Donation of a 1967 Ford Station Wagon for Use at the Taraval Station

Minutes.

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94

FEBRUARY 23, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, for an Executive Session.

Attorney-Client Conference

a. Terry Brewer v. CCSF
b. Personnel

PRESENT: Commissioners Feinstein, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

FEBRUARY 23, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant, San Francisco, at 6:05 p.m., for a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Rodriguez, second by Commissioner Feinstein. Matter approved 4-0.

RESOLUTION NO. 20-94

TERRY BREWER v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Terry Brewer v. CCSF" in United States District Court No. C93-02463 SC in the amount of $35,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: February 21, 1990

AYES: Commissioners Feinstein, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 21-94

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT A DONATION OF A 1967 FORD STATION WAGON FOR USE AT THE TARAVAL STATION

WHEREAS, John and Joan Lewis, 119 Plymouth Avenue, San Francisco, wish to donate a 1967 Ford station wagon, California license #USN942, to the San Francisco Police Department for use in the OMI area; therefore be it

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of a 1967 Ford station wagon for use at the Taraval Station.

AYES: Commissioners Feinstein, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

POLICE COMMISSION REPORT

Nothing from the Commission to report.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera presented the Crime Control Plan. He also stated he met with Park District and spent some time walking on Haight Street. He also discussed full staffing in the future and stated crime was down 14% in January compared to January of last year.

Commissioner Hewlett discussed domestic violence and emergency protective orders.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Commissioner Hewlett advised the Commission that Director Porter is in the hospital and will be absent at least two months and that John Parker has been assigned as the Acting OCC Director during this time. John Parker advised that the supplemental appropriation requested from the Finance Committee will be forwarded to the full board in the near future.

PRESENTATION OF THE PROPOSED OCC BUDGET FOR FISCAL YEAR 94/95

Taken out of order. John Parker then presented the OCC budget for 94/95 and a brief discussion. Motion by Commissioner Rodriguez, second by Commissioner Feinstein. Matter approved 4-0.

RESOLUTION NO. 24-94

SUBMISSION OF THE PROPOSED FISCAL YEAR 1994-95 OCC BUDGET

RESOLVED, that the Police Commission concurs with the proposed OCC budget for Fiscal Year 1994/95.

AYES: Commissioners Feinstein, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONDUCT THE "CALIFORNIA LAW ENFORCMEENT OFFICERS EFFECTIVELY COMMUNICATING WITH HANDICAPPED OFFENDERS" TRAINING PROGRAM

Sergeant Forest Fulton presented the request by the Chief. Motion by Commissioner Rodriguez, second by Commissioner Feinstein. Matter approved 4-0.

RESOLUTION NO. 22-94

AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONDUCT THE "CALIFORNIA LAW ENFORCEMENT OFFICERS EFFECTIVELY COMMUNICATING WITH HANDICAPPED OFFENDERS" TRAINING PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the State Council on Developmental Disabilities to conduct the "California Law Enforcement Officers Effectively Communicating with Handicapped Offenders" training program.

AYES: Commissioners Feinstein, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

SUBMISSION OF THE PROPOSED FISCAL YEAR 1994-95 POLICE DEPARTMENT BUDGET

Lieutenant Ryan, Fiscal Section, presented the budget to the Commission. Discussion followed including Commissioner Feinstein regarding POST funding and the relocation of the Tenderloin Task Force to 25 Taylor Street. Commissioner Hewlett asked regarding OCJP funds for training lateral transfers, Sr. Escort Program and the President Clinton Crime Bill. After further discussion, Motion by Commissioner Rodriguez, second by Commissioner Feinstein. Budget approved 4-0.

RESOLUTION NO. 23-94

SUBMISSION OF THE PROPOSED FISCAL YEAR 1994-95 POLICE DEPARTMENT BUDGET

RESOLVED, that the Police Commission hereby concurs with the Police Department budget for the Fiscal Year 1994-95.

AYES: Commissioners Feinstein, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

PRESENTATION AND DISCUSSION OF OCC 1993 STATISTICAL REPORT YEAR END SUMMARY

John Parker, OCC, presented the statistical reports and after Lt. Lorin, Management Control Division, advised the Commissioner regarding last five year average regarding complaints. Commissioner Friday commended the Department for their performance during the recent funeral of Mr. Randy Schultz.

PUBLIC COMMENTS

John Crew, ACLU, complemented OCC for their year end report and he commented regarding needing more attention from the Commission if more officers are hired there will be more complaints, backlog of cases which has doubled and also discussed policy recommendations from OCC. Further discussion regarding tracking of cases and asked the Commission to more closely watch or more closely track pending cases.

Commissioner Feinstein then asked Chief Ribera to update the Commission regarding pending cases and Lt. Lorin will brief the Commission at the next business meeting.

Mary Vail, Bar Association, discussed staffing in OCC and asked that the Commission have more input regarding staffing of that office. She discussed OCC staff attorney's position and also the publicizing that the position is presently open.

Susan Shure, resident, lives opposite Northern Station who complained regarding the activity and actions of Captain Cairns and officers of Northern Station. She stated she recently submitted a letter and would like to have some response at which Commander Martel stated he will handle the situation.

Katherine Bowbrowski, Sutter/Stockton complained regarding drugs, panhandling at 431 Stockton. Owner of that clothing store will write a letter of complaint.

HEARING OF POLICE OFFICER KELVIN K. TSO, TARAVAL STATION

The hearing of Police Officer Kelvin K. Tso, Taraval Station, was called it having been set for this date. Officer Tso was charged with violating the

Rules and Procedures as follows:

FILE NOS. C34-018 & C34-047 JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rules B-2 and A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rules B-2 and A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Using harsh and profane language in response to a question from a citizen (violating of Rule A-14 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Leaving his post without permission (violation of Rule b-7 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 5

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on he department (violation of Rules B-2 and A-9 of General Order D-1 of the San Francisco Police Department);

FILE NO. C34-114 JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violating of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Refusing to obey an order from a superior officer (violating of Rule A-11 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Kelvin K. Tso appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Jerry W. Akins addressed the Commission regarding the charges and Mr. Stephen Whitmore, representing Officer Tso, also addressed the Commission regarding settlement in both cases.

Mr. Whitmore entered a plea of no contest on Specification Nos. 1, 2, 3, 4 and 5 of File Nos. C34-018 & C34-047 JWA and on Specification Nos. 1 and 2 of File No. C34-114 JWA, on behalf of Officer Tso. Officer Tso personally affirmed entry of a no contest

plea in these matters.

The Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief of Police that Officer Kelvin K. Tso be suspended for forty-five (45) days with fifteen (15) days held in abeyance for two (2) years and after suspension to be assigned on loan to inside duty at Support Services Division.

The Commission took the matter under submission, recessed and returned and the following resolution was adopted:

RESOLUTION NO. 25-94

DECISION - HEARING OF OFFICER KELVIN K. TSO, TARAVAL STATION

WHEREAS, on November 23, 1993 and January 11, 1994, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Kelvin K. Tso as follows:

FILE NOS. C34-018 & C34-047 JWA

SPECIFICATION NO. 1

(1) At all times herein mentioned, Kelvin K. Tso, Start Number 602, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to the Taraval Police District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On May 10, 1993, the accused volunteered and was assigned to working overtime on an EWW detail providing security at the Oceanview Playground, located at Plymouth Avenue and Lobos Street, from 1500 through 1900 hours;

(4) On May 10, 1993, at approximately 1520 hours, the accused entered the "7-11 Store" located at 2000 Ocean Avenue, San Francisco, which is more than a mile away from the Ocean View Playground; the accused picked up a drink and a hot dog and ate the hot dog on the premises; the accused then attempted to leave the store without paying for the hot dog or the drink; the store owner's son stopped the accused by the door and asked the accused to pay for the hot dog; the accused paid one dollar for the hot dog, and the clerk stated that the accused was very angry about paying for the hot dog;

(5) The store owner stated that he willingly provided free coffee to police officers but does not provide other foods without charge; the employees at 7-11 stated that the accused often came into the store over the six month period preceding this incident;

(6) The accused by consuming hot dogs, soft drinks and coffee at the 7-11 Store without paying for them between about December 1992 and May 10, 1993, has engaged in conduct which subverts the good order, efficiency and discipline of the department and brings discredit on the department in violation of Rules B-2 and A-9 of General Order D-1 of the San Francisco Police Department, which states:

B-2 "Members shall not, while on-duty, engage in personal business or in any other activity that would cause them to be inattentive to duty."

A-9 "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any ember thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

SPECIFICATION NO. 2

(6) The allegations contained in paragraphs (1) through (5) of Specification No. 1 above are incorporated herein by reference and realleged as though set forth in full;

(7) After the accused paid for the hot dog at the 7-11 Store on May 10, 1993, he went to the parking lot outside the store; there he cited one parked vehicle and cited the vehicle belonging to the owner of the market, after first ascertaining that he was in fact the owner of the store;

(8) The accused by citing the owner of the 7-11 Store in retaliation for an employee requested that the accused pay for the hot dog that he took, engaged in conduct which violates Rules B-2 and A-9 of General Order D-1 of the San Francisco Police Department which states:

B-2 "Members shall not, while on-duty, engage in personal business or in any other activity that would cause them to be inattentive to duty."

A-9 "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any ember thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

SPECIFICATION NO. 3

(9) The allegations contained in paragraphs (1) through (5) of Specification No. 1 and paragraph (7) of Specification No. 2, above are incorporated herein by reference and realleged as though set forth in full;

(10) When the owner of the 7-11 Store questioned the accused concerning his authority to cite automobiles parked on private property, the accused told him, "its none of your darn business, shut the fuck up."

(11) The accused by using harsh and profane language in response to a legitimate question, engaged in conduct in violating of Rule A-14 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, in the performance of their duties or while acting in the capacity of a peace officer off-duty, treat all members of the public with courtesy and respect and eschew harsh, profane, or uncivil language. When requested, members shall promptly and politely provide their name, star number, and assignment."

SPECIFICATION NO. 4

(12) The allegations contained in paragraphs (1) through (5) of Specification No. 1 above are incorporated herein by reference and realleged as though set forth in full;

(13) The accused had signed up for an overtime detail which required him to provide security at the playground on May 10, 1993, for four hours, from 1500 through 1900 hours; members serving on this detail are not permitted to leave the playground without permission;

(14) When the accused left the detail in the Oceanview Playground to conduct his personal business at the 7-11 Store, as alleged above, the accused did not seek permission to leave his detail and did not inform communications or his supervisor that he was deserting his post for unauthorized reasons;

(15) The accused by deserting his post without permission, engaged in conduct in violation of Rule B-6 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall not leave their assigned duty posts while on-duty, except, by permission of a superior, to take police action in response to a call for police assistance in a serious matter or for personal necessity."

SPECIFICATION NO. 5

(16) The allegations contained in paragraphs (1) through (2) of Specification No. 1 above are incorporated herein by reference and realleged as though set forth in full;

(17) On an evening shortly before July 11, 1993, at or about 9:15 p.m., the accused while on duty parked his assigned patrol vehicle in the driveway of a private party in the 1000 block of Irving Street, in San Francisco, for approximately 10 minutes while he went to a Chinese restaurant across the street to purchase food;

(18) While the accused was parked in their driveway, the people who lived at the house were forced to wait for his return so they could enter their own driveway; while waiting they obstructed traffic by double parking in front of their own house; this matter came to the attention of the department when the people wrote a letter to the editor of a neighborhood newspaper;

(19) The accused by parking in a private party's driveway and thus causing the parties who lived in the house to double park while the accused retrieved food for his subsequent 10-7M engaged in conduct in violating of Rules B-2 and A-9 of General Order D-1 of the San Francisco Police Department, which states:

B-2 "Members shall not, while on-duty, engage in personal business or in any other activity that would cause them to be inattentive to duty."

A-9 "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any ember thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

FILE NO. C34-114 JWA

SPECIFICATION NO. 1

(1) At all times herein mentioned, Kelvin K. Tso, Star Number 602, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to the Taraval Police District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On July 28, 1993, at 0300 hours, the accused was assigned to serve as the "station duty" officer in the business office at Taraval Station; a citizen came to the counter seeking help; when the accused did not help the citizen at the counter, the Station Keeper directed the accused to help the citizen; the accused countered that the Station Keeper should handle the matter of the citizen at the counter and refused to help the citizen; the Station Keeper finally had to order the accused to help the citizen; when interviewed during the investigation the citizen stated that she thought the conduct of the accused in arguing with the Station Keeper was very unprofessional conduct by the accused;

(4) On July 28, 1993, at 0300 hours, the accused did finally attend the citizen who came to Taraval Station to report that she had been robbed in her home at gunpoint by her ex-husband immediately before she fled to Taraval Station to seek help; after learning of the problem, the accused left the counter to ask the Platoon Commander how to handle the situation; the Platoon Commander directed that a field unit be summoned to meet the citizen at Taraval Station, escort her home and make an incident report or, the accused should send her home and cause a field unit to meet her there to make an incident report; the accused returned to the counter and instructed the citizen to go home, he then instructed her to call 911 to request a field unit;

(5) The accused by arguing with the Station Keeper while he was serving as station duty officer and not following the Station Keeper's direction in the present of a member of the public requesting service, has engaged in conduct which subverts the good order, efficiency and discipline of the department and brings discredit on the department in violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any ember thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

SPECIFICATION NO. 2

(6) The allegations contained in paragraphs (1) through (4) of Specification No. 1 above are incorporated herein by reference and realleged as though set forth in full;

(7) General Order D-2, Rule V.A-2 requires members assigned to station duty to "prepared counter-service reports and provide public information on request";

(8) The accused was directed by the Station Keeper to provide counter service to the citizen who came to Taraval Station seeking help, and only complied after arguing with the Station Keeper; when he did act, he did not follow the direction of the Platoon Commander, but gave instructions to the citizen return home to call 911 instead of handling the matter directly to connect a field unit with the citizen so that a proper report of the incident could be prepared;

(9) The accused by refusing to obey the order of the senior officer assigned as the Station Keeper and the directions of the Platoon Commander, not only neglected to fulfill his duties as station duty officer, but engaged in conduct which violates Rule A-11 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall promptly obey all lawful orders of superiors. If a member is given an order which conflicts with previous orders or with written directives, the member shall advise the superior of the conflict and proceed according to the superior's direction."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, February 23, 1994 and on Wednesday, February 23, 1994, the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Kelvin K. Tso's plea of no contest, the Commission finds that the allegations contained in Specification Nos. 1, 2, 3, 4, and 5 of Case Nos. C34-018 and C34-047 JWA and Specification Nos. 1 and 2 of Case No. C34-114 JWA, as preferred by Chief of Police Anthony D. Ribera against Officer Kelvin K. Tso are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NOS. 1, 2, 3, 4, and 5 (Case Nos. C34-018 AND C34-047 JWA) AND SPECIFICATION NOS. 1 and 2 (Case No. C34-114 JWA)

Sustained - Forty-five day suspension, fifteen (15) days held in abeyance for two (2) years. Upon completion of the suspension, Officer Tso shall be assigned, on loan, to the Support Services Division for six months. Upon Officer Tso's return to duty, he shall immediately schedule an appointment with Captain Charles Hoenisch and enter into a contract for counseling and training regarding relations with the public and department policy in connection with the areas of concern covered within the charges. Any dispute in the nature of the contract or training shall be resolved by the Chief of Police. On his completion of the six month loan to the Support Services Division, Officer Tso shall report to Chief of Police Anthony D. Ribera for an interview to convince the Chief that Officer Tso is indeed ready to return to patrol duties.

RESOLVED, that said suspension be effective immediately on 0001 hour on Thursday, February 24, 1994 and terminate on Friday, March 25, 1994 at 2400 hours.

AYES: Commissioners Feinstein, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

Recess taken during the hearing of Officer Kelvin K. Tso :

7:35 p.m to 7:45 p.m.

Thereafter, the meeting was adjourned at 7:50 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 2, 1994

EXECUTIVE SESSION

Room 505-2
5:30 p.m.

Attorney-Client Conference

a. Dollie White v. CCSF

b. Personnel Matter

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

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Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 2, 1994

REGULAR MEETING

Room 551
6:00 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Vote on Whether to Disclose Executive Session Discussion

4. Approval of Consent Calendar

5. Police Commission Report
   a. Motion on Calendaring of New Matters

6. Assignment of a Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Officer Ricardo Valdez, Potrero Station (File No. C23-229 JWA)

7. Assignment of a Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Officer E. Brian Normandy, Support Services (File No. C34-159 JWA)

8. Chief's Report to the Police Commission

9. OCC Director's Report to the Police Commission

10. Request of the Chief of Police for Approval to Accept the Use of a Helicopter from Golden ADA Inc. for Training and Tactical Purposes

11. Discussion Regarding Pending Sustained OCC Complaints

12. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 2, 1994

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following Claim:

   a. Dollie White v. CCSF $20,000.00

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

MARCH 2, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 5:10 p.m. to 6:00 p.m. in an Executive Session.

a. Dollie White v. CCSF
b. Personnel Matter

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PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

MARCH 2, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 6:05 p.m. for a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low announced that the Commission met in Executive Session Attorney/Client matters on settlement and personnel matters. Motion by Hewlett to disclose executive session. Approved 5-0.

Commissioner Low stated the Commission discussed suit and settlement in order and case will be settled for $20,000.00. He stated that the Commission is still reviewing the operations of the OCC and will be proposing personnel rules and making suggestion regarding staffing also assisting in the selection of the new attorney for OCC. These matters will be calendared in a few weeks for formal discussion or adoption.

Commissioner Low also discussed complaints (2) received by OCC from a Commission meeting of November 3, 1993 against Chief Ribera. OCC investigated and examined by the Commission and concur with the findings of the OCC. A complaint by Mr. Arnold Chin regarding inappropriate language by the Chief. The Commission examined their powers with the City Attorney and have privately admonished Chief Ribera to choose his words carefully at meetings and when dealing with the public. The Chief has acknowledged and accepted. A complaint by Ms. Rose Pak was not sustained and the Commission agrees with the finding. The matter is now closed.

CONSENT CALENDAR

RESOLUTION NO. 26-94

DOLLIE WHITE v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Dollie White v. CCSF" in Superior Court No. 914-648 in the amount of $20,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: May 26, 1989

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

None

RESOLUTION NO. 27-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER RICARDO VALDEZ, POTRERO STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Ricardo Valdez, Potrero Station, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Valdez; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Valdez and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera stated that the Matrix target for the month of March is Haight Street Corridor. This will include a high profile narcotics enforcement.

DISCUSSION REGARDING PENDING SUSTAINED OCC COMPLAINTS

Taken out of Order. Sergeant Joyce Watkins, Management Control Division, briefs the Commission regarding pending sustained OCC complaints. She stated that in all but two of the cases the officers are aware of the dispositions. She further stated that there are approximately five cases over one year old awaiting final dispositions.

Deputy Chief Petrini then,briefed the Commission on emergency preparedness including evacuation plan for the Hall of Justice being in place, individual training, revising the Emergency Management Manuel and Emergency Plan, Mobilization Plan and Recall Procedures. Chief Ribera then commended Sergeant Griffin from Field Operations Bureau for his efforts regarding emergency plans.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, OCC, advised the Commission that the Board of Supervisors passed at first reading a supplemental budget for the remainder of the fiscal year. He also stated that the OCC Staff Attorney position has been advertised in local newspapers. He will also set meetings with department organizations regarding Openness issue. He also asked to be calendared the relocation update regarding moving of the OCC office.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO ACCEPT THE USE OF A HELICOPTER FROM GOLDEN ADA INC. FOR TRAINING AND TACTICAL PURPOSES

Chief Ribera discussed the offer of the use of a helicopter from Golden ADA Incorporation for training and tactical purposes and also emergency situations. He then had Commander Holder brief the Commission regarding the conditions in which the department would have access to the helicopter for a period of nine and a half hours during a 90 day period.

John Crew, ACLU, discussed concerns regarding privacy if the helicopter is used.

Commissioner Feinstein expressed concern as to what the Golder ADA was asking in return for their offer. She stated she had reservations regarding approval of this agreement.

Motion by Commissioner Hewlett, second by Commissioner Rodriguez that the Commission approves a memorandum of understanding between the department and the Golden ADA for a 90 day pilot program after which a report will be submitted to the Commission for review. Approved 4-1. Commissioner Feinstein dissenting.

PUBLIC COMMENTS

Jay Bombay read a letter regarding actions of police.

Commissioner Karen Huggins, Housing Authority, stated her support for the police department and expressed concerns regarding the enforcement activity in the housing project area. She expressed concern over the agreement between the Housing Authority and the Police Department and stated that money should be spend on social programs and there should be no harassment by the police of residents.

John Crew, ACLU, complimented the department for a quick report regarding pending OCC complaints but is still concern regarding the number of complaints.

Commissioner Hewlett responded saying that the department is conducting a detailed report and will inform at a meeting when the information is made available.

Thereafter, the meeting was adjourned at 7:10 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/7176M

MARCH 16, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in the Mission District, at James Lick Middle School, 1220 Noe at Clipper, from 5:55 p.,m. to 6:25 p.m. in an Executive Session.

A. Betty Joe Campbell vs. CCSF

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

MARCH 16, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Mission District, at James Lick Middle School, 1220 Noe at Clipper, at 6:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

Commissioner Low welcomed the audience, introduced the Commissioners and the command staff.

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Hewlett made a motion to disclosed their discussion in Executive Session. Commissioner Low stated that they met in Executive Session for the purpose of settlement regarding an arrested female who was apparently on drugs and who had expired after being arrested. Without admitting wrongdoing, the Commission approved the settlement. The Commission also asked Deputy Chief Reed to report back regarding procedures in these type of cases. Commissioner Low also stated that the Commission discussed personnel matters.

APPROVAL OF MINUTES OF MEETINGS OF FEBRUARY 2, 1994, FEBRUARY 16, 1994 AND FEBRUARY 23, 1994

Approval of minutes of the meetings of February 2, 1994, February 16, 1994 and February 23, 1994, the Commissioners having received, approved and returned the copies of same.

Motion by Commissioner Hewlett. Minutes approved 5-0.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 30-94

BETTY JOE CAMPBELL vs. CCSF, et al.

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Betty Joe Campbell, as an Individual and as the Administrator of the Estate of Julie Johnson, vs. CCSF, et al." in United States District Court No. C93-0985-MHP in the amount of $250,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: February 10, 1992

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Hewlett asked that the First Amendment Guidelines be calendared March 30th for discussion and action.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Reed reported Chief Ribera out of town and he defers any Chief's Report to that of Captain Santos of Mission Station later in the calendar.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker described the duties and functions of the OCC and updates the Commission regarding relocation of OCC offices still in the planning stage.

RESOLUTION NO. 31-94

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order O-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, March 4, 1994; and

WHEREAS, Chief Anthony Ribera has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officer Steven Hutzler, Officer Lee Clark, Officer Terry Gregory, Officer Richard Sheehan, Officer Donald Ross, Officer Dominic Panina, Officer Marty Lalor, Officer John Syme, Officer John Wyman and Officer David Kranchi are hereby awarded Bronze Medals of Valor and granted rewards of $150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

REQUEST OF THE CHIEF OF POLICE FOR IMMEDIATE FILLING OF VACATED POSITIONS OF SIX Q-60 POLICE LIEUTENANTS AND ONE Q-80 POLICE CAPTAIN

Deputy Chief Reed discussed the immediate filling of lieutenant positions pending the adoption of current Q-60 list. He stated that any appointment will pass through the auditor monitor. After discussion, matter approved by Commission 5-0.

RESOLUTION NO. 32-94

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE FOR IMMEDIATE FILLING OF VACATED POSITIONS OF SIX Q-60 POLICE LIEUTENANTS AND ONE Q-80 POLICE CAPTAIN

WHEREAS, six Q-60 Lieutenants and one Q-80 Captain positions have become vacant from the San Francisco Police Department; and

WHEREAS, thirty-five appointments are required by the Consent Decree and the Federal Court order of December 8, 1993; and

WHEREAS, to permanently fill these positions before the accumulated sick leave and vacation time have been paid requires a resolution of the Board of Supervisors; and

WHEREAS, this procedure is authorized by the Annual Appropriation Ordinance, Section 10, Subsection I; and

WHEREAS, without the approval of the Board of Supervisors, we would be in violation of the Federal Court Order; and

WHEREAS, there are sufficient funds appropriated to cover the cost of this procedure; therefore be it

RESOLVED, that the Police Commission does hereby request that the Mayor and the General Manager, Personnel of Civil Service recommend to the Board of Supervisors the adoption of the attached resolution; and further more be it

RESOLVED, that the Police Commission requests that the Board of Supervisors adopt the attached resolution authorizing the immediate filling of the seven vacated positions.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

CAPTAIN JOAQUIN SANTOS, COMMANDING OFFICER MISSION STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE MISSION DISTRICT

Captain Santos, Mission Station, welcomed the Commission and the staff and then briefed the Commission regarding station activities in the Mission District. Commissioner Low commended Captain Santos for his efforts.

PUBLIC COMMENTS

Unidentified commends Captain Santos and the officers of Mission Station for their efforts and stated that more officers are needed in the Mission District.

Hilda Biernstein expressed need for ore officers in the Mission District to deal with the different problems in that district.

Commissioner Feinstein discussed staffing not only for the district but also the entire department.

Commissioner Hewlett discussed more hiring of officers in the new budget.

Deputy Chief Reed responded that there are officers in the academy and will be placed on the street in July. He also updates the Commission regarding lateral transfers and stated that every unit is experiencing shortages and approximately 260 persons under staff by '95.

Maggie Olsen discussed her concerns regarding the location of the district meetings.

Vivian Fabian discussed the 1/2 cent sales tax for more law enforcement officers and asked where the money is going.

John Barbie, resident, discussed juvenile problems in the Mission District.

Unidentified person discussed problems in the Mission and also reappointment of Commissioners because she feels nothing is being done.

Thereafter, the meeting was adjourned at 7:40 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/7177M

MARCH 30, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 4:45 p.m. to 6:05 p.m., in an Executive Session.

a. Troy Smith v. CCSf
b. Khoury vs. County of San Bernardino; Abagnaro vs. CCSF, et al
c. Patrol Special - POA et al vs. CCSF
d. Personnel Matter

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

MARCH 30, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 6:10 p.m., for a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

No Motion.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 33-94

TROY SMITH v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Troy Smith v. CCSF" in Superior Court No. 855-197 and United States District Court No. C92-2444 WHO in the amount of $40,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: August 3, 1985-1992 to present

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 34-94

APPROVAL OF REPORT OF EXPENDITURES FROM THE CHIEF'S CONTINGENT FUND FOR THE MONTHS OF NOVEMBER, 1993, DECEMBER, 1993, JANUARY, 1994 AND FEBRUARY, 1994

RESOLVED, that the Police Commission hereby approves the Report of Expenditures from the Chief's Contingent Fund for the months of November, 1993, December, 1993, January, 1994 and February, 1994.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 35-94

APPROVAL TO ACCEPT A $250.00 GIFT CERTIFICATE FROM THE "GOOD GUYS" FOR PURCHASE OF A VCR FOR THE USE OF THE DEPARTMENT'S FLEET MANAGEMENT OFFICE

WHEREAS, the Fleet Management Office of the Police Department is in need of a VCR to view demo tapes submitted by various vendors; and

WHEREAS, Smillie Films has generously offered to donate a "Good Guys" $250.00 gift certificate to the Department;

WHEREAS, this civic minded gesture will enable the Police Department to more effectively serve the citizens of San Francisco; and

WHEREAS, Section 10.116 of the San Francisco Administrative Code allows for the acceptance of the gifts by the Department head of those gifts to the City and County of San Francisco of a value of Five Thousand ($5,000.00) Dollars or less; and

WHEREAS, it is necessary for a resolution by the Police Commission to authorize the acceptance of such gifts; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, a "Good Guys" gift certificate for $250.00 from Smillie Films for the purchase of a VCR.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low announced there will be no meeting April 6th or April 13th. The next regular meeting is scheduled for April 20th.

Commissioner Feinstein then asked Chief Ribera to report back on April 20th regarding disciplinary matters; the number of cases pending and the nature of the cases, the date they were received, the status of the case and also asked him for a plan regarding updating these cases. She also discussed procedure for reviewing pending disciplinary cases with the Commissioner prior to disposition.

Commissioner Hewlett then asked that item no. 13, Guidelines for Protection of First Amendment Activities be put over to April 20 meeting.

Commissioner Low then announced with pleasure that Commissioner Hewlett would be appointment as a Police Commissioner on Friday, April 1, 1994 at 11:00 a.m. at ceremonies in City Hall.

RESOLUTION NO. 36-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER SHARON L. BISSELL, MISSION STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Sharon L. Bissell, Mission Station, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Bissell; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Bissell and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 37-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST INSPECTOR ROBERT C. ALBERIGI, STAFF SERVICES DIVISION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Inspector Robert C. Alberigi, Staff Services Division, was called it having been set for this date; and

WHEREAS, Commissioner Anthony Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Alberigi; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Alberigi and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 38-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER FRANCIS J. HOGUE, TENDERLOIN TASK FORCE

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Francis J. Hogue, Tenderloin Task Force, was called it having been set for this date; and

WHEREAS, Commissioner Harry W. Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Hogue; therefore be it

RESOLVED, that Commissioner Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Hogue and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed the name of Officer Cady being placed on the Wall in the lobby of the Hall of Justice. He indicated that no retired member's name was on the wall and he was due to meet with the Golden State Peace Association and will discuss establishing a committee and criteria for names being placed on the wall. He also discussed the Khoury case regarding computer inquiries by members of the department given to the suspect in a stalking case. He stated that Commander Philpott will conduct an investigation which should be completed in approximately six weeks. Chief Ribera also asked the Management Information personnel to establish a password system for computer security. He will continue to apprise the Commission regarding updated information. The Chief then advised the Commission of the arrest of an officer in possession of drugs. He stated that Officer Charles Wilkerson had been suspended. Th Chief also discussed recent disciplinary cases and is concern regarding the number and that he is transferring Lt. Al Benner to his office to track cases and develope a training program. The Chief will continually update the Commission regarding disciplinary cases. He also stated that he and Commissioner Rodriguez met with the Mayor regarding the upcoming budget. He stated they discussed full staffing and equipment needs for the next fiscal year. He then stated that crime had decline by 11.5 percent while the department is 200 officers short. He also stated that raises for the sworn personnel for the upcoming fiscal year have been approved.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Acting Director John Parker defers any reports to item No. 11 at which Barbara Attard, of the OCC, advised the Commission regarding the proposed move of the OCC office to 760 Harrison Street and she described the new facility. She stated the office move would be completed June 1st. She stated there is five year lease with an opening for five additional years. Motion by Commissioner Hewlett. On a motion by Commissioner Hewlett, the Commission approved vote 5-0 the proposed relocation of OCC.

RESOLUTION NO. 39-94

APPROVAL OF THE REQUEST OF THE DIRECTOR OF THE OFFICE OF CITIZEN COMPLAINTS TO FINALIZE RENTAL NEGOTIATIONS FOR OFFICE SPACE LOCATED AT 760 HARRISON STREET, AND TO RELOCATE THE OCC

WHEREAS, the Office of Citizen Complaints has been previously authorized and budgeted to seek suitable office space for relocation, and

WHEREAS, the Office of Citizen Complaints has identified space located at 760 Harrison Street as being suitable for the needs of the office, and the citizens of San Francisco, now therefore be it

RESOLVED, that the Police Commission urges the Board of Supervisors to approve the relocation of the Office of Citizen Complaints to 760 Harrison Street.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF THE VOLUNTEERS IN POLICING PROGRAM

Lieutenant Pengel, Personnel, made a presentation regarding Volunteers in Policing Program and Katherine Hohalek described the proposed plan.

RESOLUTION NO. 40-94

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE FOR THE VOLUNTEERS IN POLICING PROGRAM

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to establish the Volunteers in Policing Program.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS

Frank Claus discussed the helicopter issue of previous FAA study and he stated a letter will be coming to the Commission from the Potrero Hill Boosters and Merchants Association. He recommends using the helicopter and restraining its use to life threatening situations only and that the Commission imposed strict conditions. He also asked for other copies of the conditions on approval of the helicopter to which Commissioner Low responded.

Maggie Olsen discussed her experience regarding seeing two officers questioning a latin person and discussed the language barrier. She also talked of a recent settlement of $250,000.00.

HEARING OF POLICE OFFICER RICARDO VALDEZ, POTRERO STATION

The hearing of Police Officer Ricardo Valdez, Potrero Station, was called it having been set for this date. Officer Valdez was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department [driving under the influence of alcohol] (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to maintain himself in a fit condition to perform police duties while carrying a firearm off duty (violation of Rule Paragraph III, D of General Order D-4 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Ricardo Valdez appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by both Mr. Akins and Mr. Whitmore.

Mr Whitmore entered a plea of no contest on Specification Nos. 1 and 2 on behalf of Officer Valdez. Officer Valdez personally affirmed entry of a no contest plea in these matters.

The Commission took the matter under submission and requested a recommendation from Chief Anthony D. Ribera. It is the recommendation of the Chief of Police that Officer Valdez be suspended for 45 days and be counselled regarding alcohol abuse by Captain Charles Hoenisch.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 41-94

DECISION - HEARING OF OFFICER RICARDO VALDEZ, POTRERO STATION

WHEREAS, on February 18, 1994, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Ricardo Valdez as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department [driving under the influence of alcohol] (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(1) At all times herein mentioned, Ricardo Valdez, Star Number 1287 (hereinafter referred to as "the accused") was and is a police officer, employed by the San Francisco Police Department and assigned to Potrero Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On November 27, 1992, at 0205 hours, the accused was off duty and operating his 1987 Chevrolet Camaro motor vehicle on Portola Drive in the City and County of San Francisco;

(4) On November 27, 1992, at 0205 hours, the accused rove his automobile in a reckless manner and at a high rate of speed in a northeasterly direction on Portola Drive approaching its intersection with Burnett Street, on one side and Clipper Street, on the other side; directly past the intersection, Portola Drive makes a sharp left turn, the turn is posted with a maximum speed of 25 miles per hour; the accused was driving so fast and in such a reckless manner as to cause his automobile to crash into the guard rail on the right hand side of the roadway, knocking out two of the posts supporting the guardrail and causing the car to come to rest at the light pole located near the guardrail;

(5) The force of the crash caused extensive damage to his automobile and cause extensive injuries to his passenger; it was necessary for the fire department to employ the "jaws of life" to extract his female passenger from the damaged automobile;

(6) The accused consented to a blood test, a sample was drawn at 0630 hours on November 27, 1992; the sample was tested resulted in a finding that the sample contained 0.03 percent alcohol by volume which factored back to .10 to .11 percent of alcohol by volume at the time of the collision with the guardrail, a violation of vehicle code section 23152(b);

(7) California Vehicle Code section 23103 makes reckless driving unlawful; California Vehicle Code section 23104 makes reckless driving which proximately causes physical injury to another person unlawful; California Vehicle Code section 23152(a) makes it unlawful to operate a motor vehicle while under the influence of alcohol; California Vehicle Code section 23152(b) makes it unlawful to drive a motor vehicle with more than 0.08 blood alcohol by weight; California Vehicle Code section 23153 makes it unlawful to injure another person while operating a vehicle while under the influence of alcohol; California Vehicle Code section 23153(b) makes it unlawful to injure another person while driving a motor vehicle with more than 0.08 blood alcohol by weight;

(8) The accused, by driving a motor vehicle while under the influence of alcohol in violation of California Vehicle Code sections 23152(a) and 23152(b), and causing serious physical injuries to his passenger in violation of California Vehicle Code section 23153 and by recklessly operating his motor vehicle and causing physical injury to his passenger in violation of California Vehicle Code sections 23103 and 23104, has engaged in conduct which violates Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiently and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to maintain himself in a fit condition to perform police duties while carrying a firearm off duty (violation of Rule Paragraph III, D of General Order D-4 of the San Francisco Police Department).

(9) Paragraphs (1) through (7) of Specification No. 1 hereinabove are incorporated herein by reference and realleged by such reference as though set forth in full;

(10) At said times and places alleged in Specification No. 1 above, the accused was carrying a handgun in a bag in his automobile;

(11) The accused, by being intoxicated off duty while carrying a weapon, violated Paragraph III, D of General Order D-4 of the San Francisco Police Department, which states:

"A member while off duty and carrying a weapon shall not consume alcoholic beverages to the extent that he become intoxicated."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 30, 1994 and on Wednesday, March 30, 1994, the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Ricardo Valdez' plea of no contest, the Commission finds that the allegations contained in Specification Nos. 1 and 2, as preferred by Chief Anthony D. Ribera against Officer Ricardo Valdez are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NOS. 1 AND 2

Sustained - Forty-five (45) day suspension

RESOLVED, that said forty-five (45) day suspension shall commenced on Saturday, April 9, 1994 at 0001 hours and terminate on Monday, May 23, 1994 at 2400 hours. Officer Valdez shall report to the Commanding Officer of the Staff Services Division, Captain Charles Hoenisch, and shall comply with Captain Hoenisch's directions for evaluation and counseling regarding alcohol abuse and treatment if necessary. Officer Valdez shall enter into a contract, as Captain Hoenisch shall determine is necessary, for counseling or treatment for the next two years.

If Officer Valdez seeks judicial review of this decision by Writ of Administrative Mandamus pursuant to Code of Civil Procedure section 1094.5, he must file an action within the time limits specified by Code of Civil Procedure section 1094.6.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
NAYS: Commissioner Feinstein

Recess taken during the hearing of Officer Valdez:

7:05 p.m. to 7:20 p.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/7178M

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 16, 1994

EXECUTIVE SESSION

MISSION POLICE DISTRICT
JAMES LICK MIDDLE SCHOOL AUDITORIUM
1220 NOE AT CLIPPER

5:45 p.m.

Attorney-Client Conference

a. Betty Joe Campbell vs. CCSF

POLICE COMMISSION MEETING

WEDNESDAY, MARCH 16, 1994
06:00 P.M.

JAMES LICK MIDDLE SCHOOL AUDITORIUM
1220 NOE AT CLIPPER

HOSTED BY
MISSION POLICE STATION

The Public is invited to meet with the Commissioners and express any concerns regarding the Mission District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 16, 1994

REGULAR MEETING

MISSION POLICE DISTRICT
JAMES LICK MIDDLE SCHOOL AUDITORIUM
1220 NOE AT CLIPPER

6:00 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Vote on Whether to Disclose Executive Session Discussion

4. Approval of Minutes of Meetings of February 2, 1994, February 16, 1994 and February 23, 1994

5. Approval of Consent Calendar

6. Police Commission Report
   a. Motion on Calendaring of New Matters

7. Chief's Report to the Police Commission

8. OCC Director's Report to the Police Commission

9. Request of the Chief of Police for Approval of the Recommendation of the Awards Committee

10. Request of the Chief of Police for Immediate Filling of Vacated Positions of Six Q-60 Police Lieutenants and One Q-80 Police Captain

11. Captain Joaquin Santos, Commanding Officer Mission Station, to Address the Commission on Police Activities in the Mission District

12. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 16, 1994

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following Claim:

   a. Betty Joe Campbell vs. CCSF $250,000.00

MARCH 16, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in the Mission District, at James Lick Middle School, 1220 Noe at Clipper, from 5:55 p.,m. to 6:25 p.m. in an Executive Session.

A. Betty Joe Campbell vs. CCSF

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

MARCH 16, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Mission District, at James Lick Middle School, 1220 Noe at Clipper, at 6:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

Commissioner Low welcomed the audience, introduced the Commissioners and the command staff.

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Hewlett made a motion to disclosed their discussion in Executive Session. Commissioner Low stated that they met in Executive Session for the purpose of settlement regarding an arrested female who was apparently on drugs and who had expired after being arrested. Without admitting wrongdoing, the Commission approved the settlement. The Commission also asked Deputy Chief Reed to report back regarding procedures in these type of cases. Commissioner Low also stated that the Commission discussed personnel matters.

APPROVAL OF MINUTES OF MEETINGS OF FEBRUARY 2, 1994, FEBRUARY 16, 1994 AND FEBRUARY 23, 1994

Approval of minutes of the meetings of February 2, 1994, February 16, 1994 and February 23, 1994, the Commissioners having received, approved and returned the copies of same.

Motion by Commissioner Hewlett. Minutes approved 5-0.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 30-94

BETTY JOE CAMPBELL vs. CCSF, et al.

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Betty Joe Campbell, as an Individual and as the Administrator of the Estate of Julie Johnson, vs. CCSF, et al." in United States District Court No. C93-0985-MHP in the amount of $250,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: February 10, 1992

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Hewlett asked that the First Amendment Guidelines be calendared March 30th for discussion and action.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Reed reported Chief Ribera out of town and he defers any Chief's Report to that of Captain Santos of Mission Station later in the calendar.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker described the duties and functions of the OCC and updates the Commission regarding relocation of OCC offices still in the planning stage.

RESOLUTION NO. 31-94

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order O-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, March 4, 1994; and

WHEREAS, Chief Anthony Ribera has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officer Steven Hutzler, Officer Lee Clark, Officer Terry Gregory, Officer Richard Sheehan, Officer Donald Ross, Officer Dominic Panina, Officer Marty Lalor, Officer John Syme, Officer John Wyman and Officer David Kranchi are hereby awarded Bronze Medals of Valor and granted rewards of $150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

REQUEST OF THE CHIEF OF POLICE FOR IMMEDIATE FILLING OF VACATED POSITIONS OF SIX Q-60 POLICE LIEUTENANTS AND ONE Q-80 POLICE CAPTAIN

Deputy Chief Reed discussed the immediate filling of lieutenant positions pending the adoption of current Q-60 list. He stated that any appointment will pass through the auditor monitor. After discussion, matter approved by Commission 5-0.

RESOLUTION NO. 32-94

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE FOR IMMEDIATE FILLING OF VACATED POSITIONS OF SIX Q-60 POLICE LIEUTENANTS AND ONE Q-80 POLICE CAPTAIN

WHEREAS, six Q-60 Lieutenants and one Q-80 Captain positions have become vacant from the San Francisco Police Department; and

WHEREAS, thirty-five appointments are required by the Consent Decree and the Federal Court order of December 8, 1993; and

WHEREAS, to permanently fill these positions before the accumulated sick leave and vacation time have been paid requires a resolution of the Board of Supervisors; and

WHEREAS, this procedure is authorized by the Annual Appropriation Ordinance, Section 10, Subsection I; and

WHEREAS, without the approval of the Board of Supervisors, we would be in violation of the Federal Court Order; and

WHEREAS, there are sufficient funds appropriated to cover the cost of this procedure; therefore be it

RESOLVED, that the Police Commission does hereby request that the Mayor and the General Manager, Personnel of Civil Service recommend to the Board of Supervisors the adoption of the attached resolution; and further more be it

RESOLVED, that the Police Commission requests that the Board of Supervisors adopt the attached resolution authorizing the immediate filling of the seven vacated positions.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

CAPTAIN JOAQUIN SANTOS, COMMANDING OFFICER MISSION STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE MISSION DISTRICT

Captain Santos, Mission Station, welcomed the Commission and the staff and then briefed the Commission regarding station activities in the Mission District. Commissioner Low commended Captain Santos for his efforts.

PUBLIC COMMENTS

Unidentified commends Captain Santos and the officers of Mission Station for their efforts and stated that more officers are needed in the Mission District.

Hilda Biernstein expressed need for ore officers in the Mission District to deal with the different problems in that district.

Commissioner Feinstein discussed staffing not only for the district but also the entire department.

Commissioner Hewlett discussed more hiring of officers in the new budget.

Deputy Chief Reed responded that there are officers in the academy and will be placed on the street in July. He also updates the Commission regarding lateral transfers and stated that every unit is experiencing shortages and approximately 260 persons under staff by '95.

Maggie Olsen discussed her concerns regarding the location of the district meetings.

Vivian Fabian discussed the 1/2 cent sales tax for more law enforcement officers and asked where the money is going.

John Barbie, resident, discussed juvenile problems in the Mission District.

Unidentified person discussed problems in the Mission and also reappointment of Commissioners because she feels nothing is being done.

Thereafter, the meeting was adjourned at 7:40 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

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CLOTHILDE V. HEWLETT
Vice President

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Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE ~~COMMISSION MEETING~~
WEDNESDAY, MARCH 30, 1994

EXECUTIVE SESSION

ROOM 505-2

4:45 p.m.

Attorney-Client Conference

a. Troy Smith v. CCSF

b. Khoury vs. County of San Bernardino;
Abagnaro vs. CCSF, et al
San Bernardino Superior Court #04291

c. Patrol Special - Police Officers' Association et al vs.
City and County of San Francisco
San Francisco Superior Court Case No. 954102

d. Personnel Matter

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 30, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Vote on Whether to Disclose Executive Session Discussion

4. Approval of Consent Calendar

5. Police Commission Report
   a. Motion on Calendaring of New Matters

6. Assignment of a Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Officer Sharon L. Bissell, Mission Station (File Nos. C23-159 & C34-021 JWA)

7. Assignment of a Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Inspector Robert C. Alberigi, Staff Services Division (File No. C34-181 JWA)

8. Assignment of a Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Officer Francis Hogue, Tenderloin Task Force (File No. C34-182 RLC)

9. Chief's Report to the Police Commission

10. OCC Director's Report to the Police Commission

11. Discussion and Action Re: Proposed Relocation of OCC Offices

12. Request of the Chief of Police for Approval of the Volunteers in Policing Program

13. Discussion and Action Re: The Guidelines for the Protection of First Amendment Activities

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 30, 1994

14. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

15. Hearing on Charges Filed Against Officer Ricardo Valdez, Potrero Station (Fle No. C23-229 JWA)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following Claim:

   a. Troy Smith v. CCSF $40,000.00

2. Request of the Chief of Police for Approval of the Expenditures from the Chief's Contingent Fund for the Months of November, 1993, December, 1993, January, 1994 and February, 1994

3. Request of the Chief of Police for Approval to Accept a $250.00 Gift Certificat from the "Good Guys" for Purchase of a VCR for the Use of the Department's Fleet Management Office

MARCH 30, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 4:45 p.m. to 6:05 p.m., in an Executive Session.

a. Troy Smith v. CCSf
b. Khoury vs. County of San Bernardino; Abagnaro vs. CCSF, et al
c. Patrol Special - POA et al vs. CCSF
d. Personnel Matter

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

MARCH 30, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 6:10 p.m., for a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

No Motion.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 33-94

TROY SMITH v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Troy Smith v. CCSF" in Superior Court No. 855-197 and United States District Court No. C92-2444 WHO in the amount of $40,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: August 3, 1985-1992 to present

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 34-94

APPROVAL OF REPORT OF EXPENDITURES FROM THE CHIEF'S CONTINGENT FUND FOR THE MONTHS OF NOVEMBER, 1993, DECEMBER, 1993, JANUARY, 1994 AND FEBRUARY, 1994

RESOLVED, that the Police Commission hereby approves the Report of Expenditures from the Chief's Contingent Fund for the months of November, 1993, December, 1993, January, 1994 and February, 1994.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 35-94

APPROVAL TO ACCEPT A $250.00 GIFT CERTIFICATE FROM THE "GOOD GUYS" FOR PURCHASE OF A VCR FOR THE USE OF THE DEPARTMENT'S FLEET MANAGEMENT OFFICE

WHEREAS, the Fleet Management Office of the Police Department is in need of a VCR to view demo tapes submitted by various vendors; and

WHEREAS, Smillie Films has generously offered to donate a "Good Guys" $250.00 gift certificate to the Department;

WHEREAS, this civic minded gesture will enable the Police Department to more effectively serve the citizens of San Francisco; and

WHEREAS, Section 10.116 of the San Francisco Administrative Code allows for the acceptance of the gifts by the Department head of those gifts to the City and County of San Francisco of a value of Five Thousand ($5,000.00) Dollars or less; and

WHEREAS, it is necessary for a resolution by the Police Commission to authorize the acceptance of such gifts; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, a "Good Guys" gift certificate for $250.00 from Smillie Films for the purchase of a VCR.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low announced there will be no meeting April 6th or April 13th. The next regular meeting is scheduled for April 20th.

Commissioner Feinstein then asked Chief Ribera to report back on April 20th regarding disciplinary matters; the number of cases pending and the nature of the cases, the date they were received, the status of the case and also asked him for a plan regarding updating these cases. She also discussed procedure for reviewing pending disciplinary cases with the Commissioner prior to disposition.

Commissioner Hewlett then asked that item no. 13, Guidelines for Protection of First Amendment Activities be put over to April 20 meeting.

Commissioner Low then announced with pleasure that Commissioner Hewlett would be appointment as a Police Commissioner on Friday, April 1, 1994 at 11:00 a.m. at ceremonies in City Hall.

RESOLUTION NO. 36-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER SHARON L. BISSELL, MISSION STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Sharon L. Bissell, Mission Station, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Bissell; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Bissell and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 37-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST INSPECTOR ROBERT C. ALBERIGI, STAFF SERVICES DIVISION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Inspector Robert C. Alberigi, Staff Services Division, was called it having been set for this date; and

WHEREAS, Commissioner Anthony Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Alberigi; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Alberigi and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 38-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER FRANCIS J. HOGUE, TENDERLOIN TASK FORCE

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Francis J. Hogue, Tenderloin Task Force, was called it having been set for this date; and

WHEREAS, Commissioner Harry W. Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Hogue; therefore be it

RESOLVED, that Commissioner Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Hogue and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed the name of Officer Cady being placed on the Wall in the lobby of the Hall of Justice. He indicated that no retired member's name was on the wall and he was due to meet with the Golden State Peace Association and will discuss establishing a committee and criteria for names being placed on the wall. He also discussed the Khoury case regarding computer inquiries by members of the department given to the suspect in a stalking case. He stated that Commander Philpott will conduct an investigation which should be completed in approximately six weeks. Chief Ribera also asked the Management Information personnel to establish a password system for computer security. He will continue to apprise the Commission regarding updated information. The Chief then advised the Commission of the arrest of an officer in possession of drugs. He stated that Officer Charles Wilkerson had been suspended. Th Chief also discussed recent disciplinary cases and is concern regarding the number and that he is transferring Lt. Al Benner to his office to track cases and develope a training program. The Chief will continually update the Commission regarding disciplinary cases. He also stated that he and Commissioner Rodriguez met with the Mayor regarding the upcoming budget. He stated they discussed full staffing and equipment needs for the next fiscal year. He then stated that crime had decline by 11.5 percent while the department is 200 officers short. He also stated that raises for the sworn personnel for the upcoming fiscal year have been approved.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Acting Director John Parker defers any reports to item No. 11 at which Barbara Attard, of the OCC, advised the Commission regarding the proposed move of the OCC office to 760 Harrison Street and she described the new facility. She stated the office move would be completed June 1st. She stated there is five year lease with an opening for five additional years. Motion by Commissioner Hewlett. On a motion by Commissioner Hewlett, the Commission approved vote 5-0 the proposed relocation of OCC.

RESOLUTION NO. 39-94

APPROVAL OF THE REQUEST OF THE DIRECTOR OF THE OFFICE OF CITIZEN COMPLAINTS TO FINALIZE RENTAL NEGOTIATIONS FOR OFFICE SPACE LOCATED AT 760 HARRISON STREET, AND TO RELOCATE THE OCC

WHEREAS, the Office of Citizen Complaints has been previously authorized and budgeted to seek suitable office space for relocation, and

WHEREAS, the Office of Citizen Complaints has identified space located at 760 Harrison Street as being suitable for the needs of the office, and the citizens of San Francisco, now therefore be it

RESOLVED, that the Police Commission urges the Board of Supervisors to approve the relocation of the Office of Citizen Complaints to 760 Harrison Street.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF THE VOLUNTEERS IN POLICING PROGRAM

Lieutenant Pengel, Personnel, made a presentation regarding Volunteers in Policing Program and Katherine Hohalek described the proposed plan.

RESOLUTION NO. 40-94

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE FOR THE VOLUNTEERS IN POLICING PROGRAM

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to establish the Volunteers in Policing Program.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS

Frank Claus discussed the helicopter issue of previous FAA study and he stated a letter will be coming to the Commission from the Potrero Hill Boosters and Merchants Association. He recommends using the helicopter and restraining its use to life threatening situations only and that the Commission imposed strict conditions. He also asked for other copies of the conditions on approval of the helicopter to which Commissioner Low responded.

Maggie Olsen discussed her experience regarding seeing two officers questioning a latin person and discussed the language barrier. She also talked of a recent settlement of $250,000.00.

HEARING OF POLICE OFFICER RICARDO VALDEZ, POTRERO STATION

The hearing of Police Officer Ricardo Valdez, Potrero Station, was called it having been set for this date. Officer Valdez was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department [driving under the influence of alcohol] (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to maintain himself in a fit condition to perform police duties while carrying a firearm off duty (violation of Rule Paragraph III, D of General Order D-4 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Ricardo Valdez appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by both Mr. Akins and Mr. Whitmore.

Mr Whitmore entered a plea of no contest on Specification Nos. 1 and 2 on behalf of Officer Valdez. Officer Valdez personally affirmed entry of a no contest plea in these matters.

The Commission took the matter under submission and requested a recommendation from Chief Anthony D. Ribera. It is the recommendation of the Chief of Police that Officer Valdez be suspended for 45 days and be counselled regarding alcohol abuse by Captain Charles Hoenisch.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 41-94

DECISION - HEARING OF OFFICER RICARDO VALDEZ, POTRERO STATION

WHEREAS, on February 18, 1994, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Ricardo Valdez as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department [driving under the influence of alcohol] (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(1) At all times herein mentioned, Ricardo Valdez, Star Number 1287 (hereinafter referred to as "the accused") was and is a police officer, employed by the San Francisco Police Department and assigned to Potrero Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On November 27, 1992, at 0205 hours, the accused was off duty and operating his 1987 Chevrolet Camaro motor vehicle on Portola Drive in the City and County of San Francisco;

(4) On November 27, 1992, at 0205 hours, the accused rove his automobile in a reckless manner and at a high rate of speed in a northeasterly direction on Portola Drive approaching its intersection with Burnett Street, on one side and Clipper Street, on the other side; directly past the intersection, Portola Drive makes a sharp left turn, the turn is posted with a maximum speed of 25 miles per hour; the accused was driving so fast and in such a reckless manner as to cause his automobile to crash into the guard rail on the right hand side of the roadway, knocking out two of the posts supporting the guardrail and causing the car to come to rest at the light pole located near the guardrail;

(5) The force of the crash caused extensive damage to his automobile and cause extensive injuries to his passenger; it was necessary for the fire department to employ the "jaws of life" to extract his female passenger from the damaged automobile;

(6) The accused consented to a blood test, a sample was drawn at 0630 hours on November 27, 1992; the sample was tested resulted in a finding that the sample contained 0.03 percent alcohol by volume which factored back to .10 to .11 percent of alcohol by volume at the time of the collision with the guardrail, a violation of vehicle code section 23152(b);

(7) California Vehicle Code section 23103 makes reckless driving unlawful; California Vehicle Code section 23104 makes reckless driving which proximately causes physical injury to another person unlawful; California Vehicle Code section 23152(a) makes it unlawful to operate a motor vehicle while under the influence of alcohol; California Vehicle Code section 23152(b) makes it unlawful to drive a motor vehicle with more than 0.08 blood alcohol by weight; California Vehicle Code section 23153 makes it unlawful to injure another person while operating a vehicle while under the influence of alcohol; California Vehicle Code section 23153(b) makes it unlawful to injure another person while driving a motor vehicle with more than 0.08 blood alcohol by weight;

(8) The accused, by driving a motor vehicle while under the influence of alcohol in violation of California Vehicle Code sections 23152(a) and 23152(b), and causing serious physical injuries to his passenger in violation of California Vehicle Code section 23153 and by recklessly operating his motor vehicle and causing physical injury to his passenger in violation of California Vehicle Code sections 23103 and 23104, has engaged in conduct which violates Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiently and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to maintain himself in a fit condition to perform police duties while carrying a firearm off duty (violation of Rule Paragraph III, D of General Order D-4 of the San Francisco Police Department).

(9) Paragraphs (1) through (7) of Specification No. 1 hereinabove are incorporated herein by reference and realleged by such reference as though set forth in full;

(10) At said times and places alleged in Specification No. 1 above, the accused was carrying a handgun in a bag in his automobile;

(11) The accused, by being intoxicated off duty while carrying a weapon, violated Paragraph III, D of General Order D-4 of the San Francisco Police Department, which states:

"A member while off duty and carrying a weapon shall not consume alcoholic beverages to the extent that he become intoxicated."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 30, 1994 and on Wednesday, March 30, 1994, the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Ricardo Valdez' plea of no contest, the Commission finds that the allegations contained in Specification Nos. 1 and 2, as preferred by Chief Anthony D. Ribera against Officer Ricardo Valdez are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NOS. 1 AND 2

Sustained - Forty-five (45) day suspension

RESOLVED, that said forty-five (45) day suspension shall commenced on Saturday, April 9, 1994 at 0001 hours and terminate on Monday, May 23, 1994 at 2400 hours. Officer Valdez shall report to the Commanding Officer of the Staff Services Division, Captain Charles Hoenisch, and shall comply with Captain Hoenisch's directions for evaluation and counseling regarding alcohol abuse and treatment if necessary. Officer Valdez shall enter into a contract, as Captain Hoenisch shall determine is necessary, for counseling or treatment for the next two years.

If Officer Valdez seeks judicial review of this decision by Writ of Administrative Mandamus pursuant to Code of Civil Procedure section 1094.5, he must file an action within the time limits specified by Code of Civil Procedure section 1094.6.

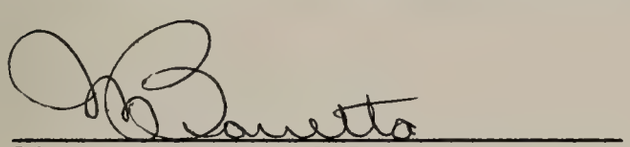
AYES: Commissioners Friday, Hewlett, Low, Rodriguez
NAYS: Commissioner Feinstein

Recess taken during the hearing of Officer Valdez:

7:05 p.m. to 7:20 p.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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1st Police Commission Minutes

APRIL 1, 1994 SPECIAL MEETING

Civil Disturbance Guidelines Committee
Revision of Civil Disturbance Guidelines

4/18/1994

Public Discussion and Comments of Proposed Guidelines for the Protection of First Amendment Activities.

PRESENT: Commissioners Feinstein, Hewlett

APRIL 18, 1994 SPECIAL MEETING

Civil Disturbance Guidelines Committee
Revision of Civil Disturbance Guidelines

Public Discussion and Comments of Proposed Guidelines for the Protection of First Amendment Activities.

PRESENT: Commissioners Feinstein, Hewlett

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, APRIL 20, 1994

EXECUTIVE SESSION

ROOM 505-2

5:00 p.m.

Attorney-Client Conference

a. Dawn Walker v. CCSF

b. Farmers Insurance Exchange vs. CCSF

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, APRIL 20, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Vote on Whether to Disclose Executive Session Discussion

4. Approval of Consent Calendar

5. Police Commission Report
   a. Motion on Calendaring of New Matters

6. Assignment of a Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Officer Charles L. Wilkerson, Potrero Station (File No. C34-189 JWA)

7. Chief's Report to the Police Commission

8. Discussion and Action re: The Guidelines for the Protection of First Amendment Activities/General Order F-7

9. OCC Director's Report to the Police Commission

10. Discussion and Action on Status of Pending Disciplinary Cases

11. Request of the Chief of Police for Approval of the Awards Committee Recommendations

12. Request of the Chief of Police for Approval of a Supplemental Appropriation and an Amendment to the Annual Salary Ordinance to Add Twenty-Three (23) Positions to the Senior Escort Program in February, 1994

13. Request of the Chief of Police for Approval of Transfer of Patrol Beat No. 148 to Assistant Patrol Special Officer Michael J. Reyes from Patrol Special Samuel J. Reyes

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

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Secretary

CALENDAR OF PROCEEDINGS (continued)

14. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following Claim:

   a. Dawn Walker v. CCF $77,500.00
   b. Farmers Insurance Exchange vs. CCSF $16,000.00

2. Request of the Chief of Police for Approval of the Taxicab Owners Permit for Mr. Otto H. Stridiron

3. Request of the Chief of Police for Approval to Accept a Donation of a 9mm Weapon from Mr. Roger Moseley

APRIL 20, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 5:05 p.m. to 5:30 p.m. in an Executive Session.

a. Dawn Walker v. CCSF
b. Farmers Insurance Exchange vs. CCSF

PRESENT: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

APRIL 20, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:30 p.m. for a Regular Meeting.

PRESENT: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Judge Low stated that the Commission had met in Executive Session and discussed a settlement issue and taxi permit and donation of a weapon.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Rodriguez. Matter approved 4 - 0.

RESOLUTION NO. 42-94

DAWN WALKER v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Dawn Walker vs. CCSF" in United States District Court No. C91-1190 SAW in the amount of $77,500.00 for damages sustained, be, and the same is hereby approved.

Date on Incident: Ongoing harassment beginning in 1987.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

RESOLUTION NO. 43-94

FARMERS INSURANCE EXCHANGE v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Farmers Insurance Exchange v. CCSF" in Municipal Court No. 088-535 in the amount of $16,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: June 9, 1992

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

RESOLUTION NO. 44-94

TAXICAB PERMIT APPLICATION OF OTTO H. STRIDIRON

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefore; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 6, 1993, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Otto H. Stridiron, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Otto H. Stridiron.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

RESOLUTION NO. 45-94

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT A DONATION OF A 9mm WEAPON FROM MR. ROGER MOSELEY

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a 9mm x 19, semi automatic weapon, H & K Model SP-89, Serial No. 211-17096, from Mr. Roger Mosley of the De Young Museum, to be taken into the San Francisco Police Department weapons inventory.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

POLICE COMMISSION REPORT

Commissioner Hewlett asked to calendar the overview of Training Program regarding domestic violations and the Emergency Protective Orders. Chief Ribera stated that Lt. Al Benner, Lt. Sandy Tong met with Captain Winters at the Academy and the Commission of that Status of Women regarding this training. Chief Ribera stated that although the training program will not be in place by may 4th, he will have a status report prepared to the Commission regarding domestic violence training.

Commissioner Low announced that there will be no meeting on April 27, next meeting would be May 4th.

RESOLUTION NO. 46-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER CHARLES L. WILKERSON, POTRERO STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Charles L. Wilkerson, Potrero Station, was called it having been set for this date; and

WHEREAS, Commissioner Harry W. Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Wilkerson; therefore be it

RESOLVED, that Commissioner Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Wilkerson and is to be set at a later date.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed the matter of names being placed on the Wall of Honor in the lobby of the Hall of Justice and that there appears to be no present criteria. He indicated he has formed a committee chaired by Deputy Chief Lau and that policies and recommendations will be presented to the Commission in two weeks regarding this matter. He also discussed that the management information system people are working on a computer password system which Deputy Chief Reed is overseeing and he will have a status report in approximately two weeks.

Commander Philpott then presented the training schedule on Civil Disturbance First Amendment Guidelines. Officer Bargioni presented a detailed schedule regarding the instructions and stated the schedule have been prepared by City Attorney Linda Ross and should be completed in approximately two months.

Deputy Chief Petrini briefed the Commission on Community Policing. 875 officers have been trained all ready. A resource manual is being prepared for reference by the officers and that he is considering a newsletter for information of successful effort of the community policing project.

DISCUSSION AND ACTION RE: THE GUIDELINES FOR THE PROTECTION OF FIRST AMENDMENT ACTIVITIES/GENERAL ORDER F-7

Commissioner Low thanked Commissioners Hewlett and Feinstein and Linda Ross who participated in preparation of the Guidelines. Motion by Commissioner Hewlett to adopt the revised Guidelines for the Protection of First Amendment Activities.

DISCUSSION:

Jill Tregor addressed the Commission and stated she appreciates the opportunity to participate and also expressed a statement stating that there was no need to change the present guidelines as the new procedures are broad. She asked for review of the new guidelines in one year.

John Crew, ACLU, stated that the old policy was not implemented. He thanked the Commission for allowing him to participate in the discussions. He discussed the video taping portion of the guidelines and discussed remaining when the order comes out in General Order format. He also stated that the Commission had the obligation to follow-up to the policy on a continuous basis and he also discussed officers being aware of violations.

Unidentified member of Arab Community asked for an update in three months.

Another member discussed hate crime complaints.

Don Hess, Human Rights Commission, discussed marked police vehicles parked in the handicapped zone in front of the Hall of Justice and also thanked the Commissioners Feinstein and Hewlett for efforts and stated monitoring and review must be done by the Commission.

Rich (no last name), S.F. Green Party, discussed training schedule and follow-up regarding guidelines.

Steve Zelta discussed the Gerard case and actions of Al Bullock and accused cover up by the Commission.

Dennis Cunningham, Attorney, National Lawyers Guild, discussed problem with guidelines and asked the Commission to monitor the activity of officers and issue follow-up reports.

Rive Entine, National Lawyers Guild, presented suggestion letter from the American Friends Service Committee.

Bob Price, Freedom Socialist Party, expressed stronger rules needed regarding surveillance.

After discussion, matter approved 4 - 0. After which Commissioner Low appointed Commissioner Hewlett to monitor compliance with the guidelines. Pursuant to Page 6(c), Commissioner Low designated OCC auditor for compliance. First audit to be completed end of this year or first of next year.

John Crew, ACLU, then discussed the appointing of OCC as the auditor and stated that would cut into their investigative time of discipline cases. Commissioner Hewlett stated that it was too burdensome and adjustment would be made later with the possibility of an outside monitor.

The Commission then voted the appointment of OCC as auditor 4-0.

RESOLUTION NO. 47-94

ADOPTION OF THE REVISED SAN FRANCISCO POLICE DEPARTMENT GUIDELINES FOR THE PROTECTION OF FIRST AMENDMENT ACTIVITIES/GENERAL ORDER F-7

RESOLVED, that the Police Commission hereby adopts the revised Guidelines for the Protection of First Amendment Activities; and

FURTHER RESOLVED, that Commissioner Hewlett is appointed to monitor compliance with the Guidelines.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, Acting Director OCC, stated he had attended the Citizens Academy held at the Police Academy and thanked the department for allowing him to participate. He also updated the Commission regarding the OCC staff attorney interview.

DISCUSSION AND ACTION ON STATUS OF PENDING DISCIPLINARY CASES

Chief Ribera said he is assigning two personnel to Management Control effective April 29th. Motion by Commissioner Hewlett to appoint Commissioner Feinstein liaison with the Chief regarding discipline cases. Approved 4-0.

Commissioner Feinstein complimented the Chief on his update regarding pending discipline cases.

RESOLUTION NO. 48-94

APPROVAL OF POLICY FOR PENDING DISCIPLINARY CASES

RESOLVED, that the Police Commission hereby adopts the following policy regarding MCD cases:

1. The Chief of Police will provide a current list to the Commission of all cases pending in the Management Control Division (MCD), listing the allegations and the status of each case.

2. The Chief will direct the Management Control Division to complete all investigations assigned to MCD within 60 days. If MCD cannot complete the investigation, and submit to the Chief within 60 days, MCD will submit a detailed explanation as to why the investigation will take longer than 60 days. The Chief will forward that report to the Police Commission.

3. The Chief will direct the Management Control Division to notify him in writing, when any case in the following categories are received for their investigation. This report will be forwarded to the Commission within five (5) working days:

    a. Death or serious bodily injury
    b. Drug use by a member
    c. Felonious conduct
    d. Serious cases involving unauthorized use or dissemination of confidential information
    e. Violations of the Civil Disturbance Guidelines
    f. Serious abuse of power
    g. False statements in police reports
    h. Aggravated violations involving search and seizure laws
    i. Any serious misconduct that the Commission should be made aware of

4. The Chief will direct the Affirmative Action Officer to notify him, in writing, when there is any serious allegations of a D-17 violation received for investigation. This report will be forwarded to the Commission within five (5) working days.

5. If any of the cases listed above in 3 or 4 are found to be sustained, and after the Chief's preliminary review he consider borderline cases, the Chief will contact the designated Commissioner and discuss the cases prior to scheduling any further proceedings.

6. When the manpower of the Department permits, the Chief will increase the number of personnel assigned to the Management Control Division. In the meantime, the Commanding Officer of MCD will report to the Chief directly in all matters of sworn personnel misconduct.

and

FURTHER RESOLVED, that Commissioner Katherine Feinstein is appointed as liaison with the Chief regarding disciplinary cases.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF THE AWARDS COMMITTEE RECOMMENDATIONS

Commissioner Low asked the Chief to hold the award for Officer Francis Hogue in abeyance until after his pending disciplinary case. Commissioner Feinstein then discussed the Meritorious Awards for Inspector Flanders and Frediani and after discussion on a motion by Commissioner Feinstein, second by Commissioner Hewlett the monitory award to Inspectors Flands and Frediani was increased to $500.00. Commissioner Rodriguez voiced opposition against holding the award for Officer Hogue until his discipline case. Awards recommendations approved 4-0 with Officer Hogue's held in abeyance.

RESOLUTION NO. 49-94

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order O-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Wednesday, March 23, 1994; and

WHEREAS, Chief of Police Anthony D. Ribera has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officer Kirk Tomioka are hereby awarded the Gold Medal of Valor and granted a reward of $500.00 as provided for under said section of the Charter; and be it further

RESOLVED, that Officer John Colla, Officer Patrick Driscoll, Officer Paul Lozada, Officer Daniel C. Murphy and Officer Brian Petiti are hereby awarded Silver Medals of Valor and granted rewards of $300.00 each as provided for under said Section of the Charter; and be it further

RESOLVED, that Officer Michael Connolly, Officer Jerome DeFilippo, Officer Michael Evanson, Officer George Fogarty, Officer James Miller, Officer Mark Shea, Officer Harold Vance, Officer Steven Wonder and Officer Patrick Yick are hereby awarded Bronze Medals of Valor and granted rewards of $150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, Sergeant Timothy Dempsey, Sergeant Ronald P. Kern, Inspector Gary Fredrick, Inspector Gary Jimenez, Inspector Robert T. McMillan, Inspector Thomas Vigo, Officer Antonio L. Flores, Officer Benny Fong, Officer Steve Landi, Officer Terrence Laubach, Officer Sherman Lee, Officer Albert Lum**, Officer Robert Lynch, Officer John H. Monroe, Officer Maria Oropeza, Officer Steve Quon*, Officer Leon Sorhondo*, Officer Robert Tayac, Officer Rowland Wing, Sergeant Edmund Cota and Inspector James Spillane are hereby awarded Meritorious Conduct Awards and granted a reward of $150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Inspector Linda Flanders and Inspector Bruce Frediani are hereby awarded Meritorious Conduct Awards and granted a reward of $500.00 each.

(* denotes two Meritorious Awards)
(** denotes three Meritorious Awards)

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION AND AN AMENDMENT TO THE ANNUAL SALARY ORDINANCE TO ADD TWENTY-THREE (23) POSITIONS TO THE SENIOR ESCORT PROGRAM IN FEBRUARY, 1994

Motion by Commissioner Rodriguez. Approved 4-0.

RESOLUTION NO. 50-94

REQUEST FOR A SUPPLEMENTAL APPROPRIATION AND AN AMENDMENT TO THE ANNUAL SALARY ORDINANCE TO ADD TWENTY-THREE POSITIONS TO THE SENIOR ESCORT PROGRAM IN FEBRUARY, 1994

WHEREAS, during the budget process for the current fiscal year, the Senior Escort Program was deleted from the Police Department's budget; and

WHEREAS, the Police Department has been requested by the Mayor's Office and the Board of Supervisors to add the deleted positions back; and

WHEREAS, the Board of Supervisors has reserved $45,000.00 for the Senior Escort Program; therefore be it

RESOLVED, that the Police Commission approves the request for a supplemental appropriation and a request for reclassification to add 21 8482 Crime Prevention Worker positions, one 8484 Senior Crime Prevention Worker position and one 8488 Director-Crime Prevention Program to the Police Department, Senior Escort Program.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

RESOLUTION NO. 51-94

APPROVAL OF TRANSFER OF PATROL BEAT NO. 148 TO ASSISTANT PATROL SPECIAL OFFICER MICHAEL J. REYES FROM PATROL SPECIAL SAMUEL J. REYES

WHEREAS, Patrol Special Officer Samuel J. Reyes has requested permission to sell and transfer Patrol Special Beat No. 148 to Assistant Patrol Special Officer Michael J. Reyes; and

WHEREAS, Patrol Special Officer Samuel J. Reyes and Assistant Patrol Special Officer Michael J. Reyes have entered into an agreement for the transfer of Beat 148; and

WHEREAS, all requirements of Rule 1.53 of the current Rules and Procedures of Patrol Special Officers have been met; and

WHEREAS, Michael J. Reyes is currently an active Assistant Patrol Special Officer in good standing and is qualified to become a Patrol Special Officer; now therefore be it

RESOLVED, that ownership of Patrol Special Beat No. 148 is transferred from Samuel J. Reyes to Michael J. Reyes and that Michael J. Reyes is hereby appointed as a Patrol Special Officer.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

PUBLIC COMMENTS

Joan discussed organized bingo games and discussed losing revenue regarding bingo restrictions.

Commander Philpott responded regarding department policy.

Ed Venegri discussed helicopter issue and asked the Commission to review a report that he had sent by mail.

Mr. Frank Claus asked for a report when helicopter study is completed and discussed safeguards regarding use of helicopter. He asked the Commission to look closely at a plane and talked of a cost of officers and of operating the helicopter. He recommends plans be put on hold until all questions are answered.

John Crew requested for a review of supplemental appropriations in the last year and how the money was used. Chief Ribera responded regarding his supporting of supplemental appropriations for the OCC. John Crew suggested asking the Board of Supervisors for funding to hire more personnel for OCC.

Thereafter, the meeting was adjourned at 7:45 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/7195M

30, 1994

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MAY 4, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes of Meetings of March 2, 16 and 30, 1994
4. Police Commission Report
   a. Motion on Calendaring of New Matters
5. Assignment of a Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Officer Genady W. Komarchuk, Support Services Division (File No. C34-192 JWA)
6. Chief's Report to the Police Commission
7. Status Report on Domestic Violence Training Program
8. OCC Director's Report to the Police Commission
9. Public Comments

   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

MAY 4, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:45 p.m. for a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

APPROVAL OF MINUTES OF MEETINGS OF MARCH 2, 16 and 30, 1994

Approval of minutes of the meetings of March 2, 16 and 30 1994, the Commissioners having received, approved and returned the copies of same.

Motion by Commissioner Feinstein. Approved 4-0.

POLICE COMMISSION REPORT

Commissioner Low announced there will be no meeting May 11th and the 18th will be in the Mission District and there will be no meeting May 25th. He also asked that the Wall of Honor issue be calendared for May 18th.

Commissioner Feinstein described the ride-along with Commander Martel on May 3rd. She stated she is impressed with the promptness and professional manner in which the officers dealt with the people and also the demeanor of the officers. She thanked Commander Martel and also the officers for their actions.

Commissioner Hewlett then asked the status of First Amendment Guidelines be calendared for June 8th.

RESOLUTION NO. 52-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER GENADY W. KOMARCHUK, SUPPORT SERVICES

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Genady W. Komarchuk, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Komarchuk; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Komarchuk and the matter is calendared for the regular Police Commission meeting of June 1, 1994 for disposition.

AYES: Commissioners Feinstein, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera stated that he and Commander Holder had met with Mr. Floresca, Director of Housing Authority, and that Commander Holder is meeting with Mr. Cesneras, Director of Housing in Washington D.C. Chief Also discussed recent trip to Washington D.C. with the mayor. Chief Ribera discussed the MOU meeting with the POA regarding full staffing and stated that the mayor was in support of the full

staffing. The Chief also stated that the department is on schedule with lateral hiring and also with Q-2 testing. He stated that when this is completed, it will bring the department to over two thousand personnel. He also discussed establishing minimum staffing per uniformed unit and backfilling units when units fall below minimum staffing. He also discussed minimum staffing and that civilianization was discussed for positions within the Administration Bureau. He also discussed effects of Proposition D.

Commissioner Hewlett then asked City Attorney Linda Ross to research the effects on MOU if Proposition D passes.

Chief Ribera discussed 911 and an editorial which appeared on the Examiner of May 3, 1994. He stated that Communications conditions have improved, quality of work has improved, the absences reduced due to the management team presently in place at this time.

Supervisor Karen Petromelli of Communications then discussed the alleged staffing shortage reported in the papers. She stated the system is working adequately.

Chief Ribera discussed a recent flooding situation in the Communications Center and the actions of the dispatchers during those trying time and commended them for their efforts.

Deputy Chief Lau then discussed the Wall of Honor Policy Committee and stated six members of each of the employee organizations met regarding the policy. A screening committee was formed and another meeting was scheduled for May 12th. Matter was calendared for May 18th for discussion and action.

STATUS REPORT ON DOMESTIC VIOLENCE TRAINING PROGRAM

Lieutenant Sandy Tong, General Works Section, stated she has met with the Commission on the Status of Women and various groups of the department and is preparing training sessions regarding Emergency Protective Order and Domestic Violence. On May 17th training will begin for lieutenants, sergeants and inspectors who will then train others in a one hour curriculum. She also stated officers will receive updated training at the advance officers class June 6th.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker stated no report and asked that the quarterly report be calendared for June 1st.

PUBLIC COMMENTS

No public comments.

Thereafter, the meeting was adjourned at 6:30 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/7199M

SF Police Commission

MAY 14, 1994 // SPECIAL MEETING

5/18, 1994

A Procedural Hearing for the taking of evidence was conducted by Commission Harry Low on Saturday, May 14, 1994:

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST OFFICER E. BRIAN NORMANDY, SUPPORT SERVICES DIVISION

The hearing for taking of evidence in the disciplinary charges filed against Police Officer E. Brian Normandy was called at 9:15 a.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Tito Torres, Attorney at Law, appeared on behalf of Officer E. Brian Normandy.

A Closed Hearing was requested by the defense and was granted by Commissioner Low.

Opening statements were made by Mr. Jerry Akins and Mr. Tito Torres.

The following witness was called by the Prosecution, was sworn and testified:

Ms. Necole Velasquez

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Kaiser Hospital Medical Records December 13, 1992
Exhibit #2	Tape - phone messages 12/13/93
Exhibit #3	Copy of Christmas Card dated 12/25/93

The hearing was then adjourned.

Recess taken during the hearing of Officer Normandy:

10:45 a.m. - 11:00 a.m.
12:00 p.m. - 12:10 p.m.

(The entire proceedings were taken in shorthand form by Mr. Dave Davenport, CSR., Hendershied & Associates)

M Barretta

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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W/7209M

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Commissioner

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MAY 18, 1994

EXECUTIVE SESSION

RICHMOND DISTRICT
KAISER PERMANENTE EDUCATION
AND TRAINING CENTER
4141 GEARY BLVD. AT SIXTH AVENUE

5:30 p.m.

Attorney-Client Conference

a. James Wong v. CCSF

b. Personnel Matter
Government Code Section 54957
OCC Staff Attorney

The Richmond District Community/Police Forum

hosts the monthly

Police Commission Meeting

Come see the commissioners at work:
Harry W. Low, president,
Clothilde V. Hewlett, vice-president
Katherine A. Feinstein,
Anthony P. Rodriguez, and
Wayne Friday.

There will be a public comment session during the hearing.

Wednesday, May 18, 1994 at 6 p.m.

Kaiser Permanente Education and Training Center
4141 Geary Blvd. (at Sixth Avenue)

Thanks to Kaiser, we have the use of their Education and Training Center meeting room. The entrance to this room is located inside the Kaiser courtyard, just off the parking lot. Free parking is available by entering the Kaiser parking lot and garage on Fifth Avenue between 5:45 and 6 p.m. Please tell the attendant you are attending the police commission meeting.

The May meeting of the community/police forum will not be held.

For more information:

Richmond Station, Officer Jill Connolly: 553-1385
SF SAFE, Pam Matsuda: 553-1984
News media contact: Paul von Beroldingen: 751-1858

If you no longer wish to receive these notices or you are receiving more than one, please leave your name and address on the Youth Court telephone machine – 751-2504 – after 4 p.m. Thank you for your help in updating our mailing list.

Please invite your neighbors to the meeting.

CityFlyer

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MAY 18, 1994

REGULAR MEETING

RICHMOND DISTRICT
KAISER PERMANENTE EDUCATION
AND TRAINING CENTER
4141 GEARY BLVD. AT SIXTH AVENUE

6:00 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion on Calendaring of New Matters
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion and Action regarding Policy on Eligibility for Placement on Hall of Justice Wall of Honor
9. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MAY 18, 1994

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claim:

   a. James Wong v. CCSF $35,000.00

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

MAY 18, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in the Richmond District, at Kaiser Permanente Education and Training Center, 4141 Geary Blvd., San Francisco, at 5:35 p.m. to 6:05 p.m. in an Executive Session.

a. James Wong v. CCSF

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

MAY 18, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Richmond District, at Kaiser Permanente Education and Training Center, 4141 Geary Blvd., San Francisco, at 6:10 p.m. in a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

Commissioner Low welcomed the audience and introduced the Commission, the Chief, Captain Otten, John Parker, OCC, and the command staff of the Police Department.

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Motion by Commissioner Rodriguez. Approved 5-0 to disclose Executive Session. Commissioner Low stated that the Commission discussed the settlement of a case involving pursuit case were a person was seriously injured. He stated that the Police Commission agreed to settle the case. The also discussed the OCC staff attorney and approved administrative action of OCC Director.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Feinstein. Approved 5-0.

RESOLUTION NO. 53-94

JAMES WONG v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "James Wong vs. CCSF" in Superior Court No. 951-438 in the amount of $35,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: April 30, 1992

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

It was announced no meeting next week. Next meeting will June 1st, 5:30.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera presented the status of disciplinary cases. He discussed Matrix Enforcement Program.

Commander Martel discussed matters including quality of life issues. Since August 1st of 1993 there has been 14,200 enforcement actions. Also that multiple departments throughout the city coordinate the program including Social Services Department, Public Health and that persons with possible mental illness are encouraged to seek assistance. He also discussed Night Emergency services program and also assistance to merchants regarding sleeping on premises and in doorways. He also discussed graffiti program.

Chief Ribera discussed crime statistics in Richmond District.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, Acting Director OCC, described the duties and responsibilities of OCC to the audience.

DISCUSSION AND ACTION REGARDING POLICY ON ELIGIBILITY FOR PLACEMENT ON HALL OF JUSTICE WALL OF HONOR

Chief Lau introduced members of the Wall of Honor Policy Committee. He discussed the policy and Chief Lau thanked the committee for their efforts and commends the members.

Ray Benson, Mission Station, member of the policy committee, addressed the Commission regarding their actions.

Motion by Commissioner Hewlett. Policy approved 5-0.

Commissioner Friday then thanked and commends the members for their efforts.

RESOLUTION NO. 54-94

APPROVAL OF POLICY ON ELIGIBILITY FOR PLACEMENT ON HALL OF JUSTICE WALL OF HONOR

RESOLVED, that the Police Commission hereby approves the Policy on Eligibility for Placement on Hall of Justice Wall of Honor as recommended by the Placement Policy Committee.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

CAPTAIN PETE OTTEN, COMMANDING OFFICER RICHMOND STATION, TO ADDRESS THE AUDIENCE

Captain Otten addressed the audience and introduced Lt. Heather Fong who described the geographical area of Richmond District and also briefed the audience on the make-up of that district.

Captain Otten talked regarding crime reduction.

PUBLIC COMMENTS

Jackie Sax, resident, discussed Proposition D and Proposition E. Talked of homeless in the Central and also discussed homeless shelters, panhandling around the ATM machines.

Katherine Bowbrowski discussed Sutter Stockton pandhandling and crime.

Stephen Lister the Wall of Honor and the Officer Cady issue and stated that Officer Cady should be in the Wall of Honor.

Ron McGill, President Planning Commission, commends Captain Otten and members of Richmond Station. He also expressed disatisfaction in juveniles in the city. He stated homeless is a problem also discussed policing of Presidio.

Paul Von Beraldinger discussed crime problems that have been solved but there are many more to be worked on. Expressed need for more officers and asked for help from other city agencies regarding the problems throughout the city.

Paul Wong, merchant Clement Street, thanked Captain Otten and expressed concerns regarding markets in the area.

Alan White talked of upcoming AIDS march.

Thereafter, meeting was adjourned at 7:40 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

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Commissioner

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Commissioner

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 1, 1994

EXECUTIVE SESSION

ROOM 505-2
5:00 p.m.

Attorney-Client Conference

a. Coming Up, Inc. vs. CCSF
USDC No. C92-3714

b. Leon Delarosa, et al. vs. CCSF
Superior Court No. 942-452

Katherine Bowbrowski discussed Sutter Stockton pandhandling and crime.

Stephen Lister the Wall of Honor and the Officer Cady issue and stated that Officer Cady should be in the Wall of Honor.

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 1, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Vote on Whether to Disclose Executive Session Discussion

4. Approval of Consent Calendar

5. Police Commission Report
   a. Motion on Calendaring of New Matters

6. Chief's Report to the Police Commission

7. OCC Director's Report to the Police Commission

8. Presentation Re: OCC 1994 First Quarter Statistical Report

9. Request of the Chief of Police for Approval to Apply for, Accept and Expend Funds from the Office of of Criminal Justice Planning (OCJP) to Conduct the Suppression of Drug Abuse in the Schools Program

10. Request of the Chief of Police for Approval to Apply for, Accept and Expend Funds from the OCJP to Conduct the Gang Violence Suppression Program

11. Request of the Chief of Police to Apply for, Accept and Expend Funds from the OCJP to Conduct the Anti-Drug Abuse Enforcement Program

12. Request of the Chief of Police to Apply for, Accept and Expend Funds from the OCJP to Conduct the Crime Prevention Expansion Project: Mission Corridor Program

13. Request of the Chief of Police to Apply for, Accept and Expend Funds from the California Office of Traffic Safety (OTS) to Conduct the Comprehensive Occupant Protection/ Child Passenger Safety Program

Katherine Bowbrowski discussed Sutter Stockton pandhandling and crime.

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POLICE COMMISSION MEETING
CALENDAR OF PROCEEDINGS (continued)

14. Request of the Chief of Police to Apply for, Accept and Expend Funds from the California Office of Traffic Safety (OTS) to Conduct the Traffic Offender Program

15. Police Commission Discussion and Consideration for Adopting or Rejecting the PC&N Hearing Officer's Findings of Fact for the Public Convenience and Necessity Taxicab Permits

16. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

17. Hearing on Charges Filed Against Officer Genady W. Komarchuk, Support Services Division, (File No. C34-192 JWA)

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

Katherine Bowbrowski discussed Sutter Stockton pandhandling and crime.

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 1, 1994

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claim:

   a. Leon Delarosa, et al. vs. CCSF $25,000.00

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

Minutes

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JUNE 1, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 5:30 p.m. to 5:40 p.m. in an Executive Session.

a. Coming Up, Inc. vs. CCSF
b. Leon Delarosa, et al vs. CCSF

PRESENT: Commissions Feinstein, Friday, Low, Rodriguez
ABSENT: Commissioner Hewlett

JUNE 1, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m. for a Regular Meeting.

PRESENT: Commissions Feinstein, Friday, Low, Rodriguez
ABSENT: Commissioner Hewlett

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 55-94

LEON DELAROSO, et al. vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Leon Delarosa, et al vs. CCSF" in Superior Court No. 942-452 in the amount of $25,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: April 15, 1990

AYES: Commissioners Feinstein, Friday, Low, Rodriguez
ABSENT: Commissioner Hewlett

RESOLUTION NO. 56-94

COMING UP, INC., et al. vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Coming Up, Inc., et al. vs. CCSF" in the United States District Court Case No. C92-3714 for damages sustained, be, and the same is hereby approved.

Date of Incident: May 7 and 8, 1992

AYES: Commissioners Feinstein, Friday, Low, Rodriguez
ABSENT: Commissioner Hewlett

POLICE COMMISSION REPORT

No Police Commission Report.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed the budget and stated he was submitting the budget to the Mayor's office this week. The budget consisting of 185 million dollars, requests equals 191 with benefits. With this budget, it will allow us to get, hopefully, full staffing by the end of the next fiscal year.

Commander Philpott then addressed the Commission on violent crime, the juvenile habitual offenders' program. He stated in '93, 43 juveniles sent to the Youth Authority. He stated the department is working with the courts in Juvenile Authority to identify juvenile violent offenders. He is working with one sergeant, three officers in this habitual juvenile offender program and that around July 1st he hopes to have 20 juvenile offenders identified. He stated the unit is meeting with station units and also discussed creating a diverse program for lesser offenders. He stated that 53 have gone through the youth court and there is now a juvenile court in all districts. He is also working on curfew laws.

Captain Hettrich then addressed the Commission regarding the enforcement program in the Potrero District. He stated that they are dealing with narcotics enforcement, identifying autos and registered owners of vehicles involved in suspected transactions. They are enforcing drug trafficking in the 3rd Street Corridor and also other crimes in that area in dealing with graffiti. They are also dealing with illegal motorcycles in the area during the month of May. He stated traffic enforcement resulted in a 112 moving violations in the 3rd Street area, 56 autos were towed, 146 narcotic arrests and 362 arrests within the entire district including charges for weapon possessions and robbery. He also stated that members of the station are working with the schools regarding the graffiti problems.

Deputy Chief Reed briefed the Commission and updated them regarding Communications and stated that there would be 23 new hires by May 16th. There are also eight additional requisitions presently in the works for hiring more dispatch personnel. He also indicated that last year, approximately 740 thousand 911 calls which were answered by personnel in Communications on an average time of 3.5 seconds.

Commissioner Low then stated the Commission has appointed Commissioner Hewlett as liaison between the Chief's office and the Consent Decree Division.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Porter stated that she has appointed an OCC Staff Attorney which is Steve Kapsack. She also announced that John Parker was promoted to Chief Investigator and that two clerical positions have been filled in the office. She stated that OCC is now in full staffing. She further discussed relocation and that some problems have arisen with the landlord of the proposed new site. She stated she's preparing a letter to send to the Chief.

PRESENTATION RE: OCC 1994 FIRST QUARTER STATISTICAL REPORT

John Parker presented that first quarter statistics (Due to prior commitment, Judge Low leaves and 6:30 p.m.).

John Crew, ACLU, commended OCC for the first quarter report and discussed concerns regarding complaints and the 60 day time limit of being submitted to the Commission. He also asked when the OCC Policy recommendations will be on the calendar.

Commissioner Rodriguez stated that he will meet with Director Porter and the Chief regarding policy recommendations.

Chief Ribera then responded regarding cases presently outstanding.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF THE CIRMINAL JUSTICE PLAINING (OCJP) TO CONDUCT THE SUPPRESSION OF DRUG ABUSE IN THE SCHOOLS PROGRAM

Sergeant John Bisordi, Fiscal, briefed the Commission on the applications of the grants. Matters approved 3-0.

RESOLUTION NO. 57-94

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO CONDUCT THE SUPPRESSION OF DRUG ABUSE IN THE SCHOOLS PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the Office of Criminal Justice Planning (OCJP) to conduct the Suppression of Drug Abuse in the Schools Program.

AYES: Commissioners Feinstein, Friday, Rodriguez
ABSENT: Commissioners Hewlett, Low

RESOLUTION NO. 58-94

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO CONDUCT THE GANG VIOLENCE SUPPRESSION PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the Office of Criminal Justice Planning (OCJP) to conduct the Gang Violence Suppression Program.

AYES: Commissioners Feinstein, Friday, Rodriguez
ABSENT: Commissioners Hewlett, Low

RESOLUTION NO. 59-94

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO CONDUCT THE ANTI DRUG ENFORCEMENT PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the Office of Criminal Justice Planning (OCJP) to conduct the Anti Drug Enforcement Program.

AYES: Commissioners Feinstein, Friday, Rodriguez
ABSENT: Commissioners Hewlett, Low

RESOLUTION NO. 60-94

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO CONDUCT THE CRIME PREVENTION EXPANSION PROJECT: MISSION CORRIDOR GRANT

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the Office of Criminal Justice Planning (OCJP) to conduct the Crime Prevention Expansion Project: Mission Corridor Grant.

AYES: Commissioners Feinstein, Friday, Rodriguez
ABSENT: Commissioners Hewlett, Low

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) TO CONDUCT THE COMPREHENSIVE OCCUPANT PROTECTION/CHILD PASSENGER SAFETY PROGRAM

Officer Lujan, Traffic, presented the Commission. Both matters approve 3-0.

RESOLUTION NO. 61-94

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) TO CONDUCT THE COMPREHENSIVE OCCUPANT PROTECTION/CHILD PASSENGER SAFETY PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the California Office of Traffic Safety (OTS) to conduct the Comprehensive Occupant Protection/Child Passenger Safety Program.

AYES: Commissioners Feinstein, Friday, Rodriguez
ABSENT: Commissioners Hewlett, Low

RESOLUTION NO. 62-94

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) TO CONDUCT THE TRAFFIC OFFENDER PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the California Office of Traffic Safety (OTS) to conduct the Traffic Offender Program.

AYES: Commissioners Feinstein, Friday, Rodriguez
ABSENT: Commissioners Hewlett, Low

John Crew, ACLU, discussed item #13 and talked of checkpoints for seatbelt violators and asked that no vote until the complete grant is read by the Commission.

Robert Ceasna, cab driver, discussed seatbelt enforcement grant and stated cab drivers would have problems with new babies transported from the hospitals.

Chief Ribera then addressed and commended Sergeant Bisordi for his efforts on working on grants and stated that he will be returning back to patrol soon and is asking Officer Mike Lujan to step in and handle the grants when Sergeant Bisordi transfers.

Commissioner Feinstein then commended Sgt. Bisordi for his efforts in all the grants and their applications.

POLICE COMMISSION DISCUSSION AND CONSIDERATION FOR ADOPTING OR REJECTING THE PC&N HEARING OFFICER'S FINDINGS OF FACT FOR THE PUBLIC CONVENIENCE AND NECESSITY TAXICAB PERMITS

Put over one week to June 8th.

PUBLIC COMMENTS

Robert Ceasna presented a letter regarding taxi permits and asked to recind permits.

Linda Ross, City Attorney to respond with copies to the Commission.

Josek Kojella addressed the Commission regarding taxi issue.

John Crew, ACLU, discussed curfew law and asked the Commission to consider calendaring curfew issue. He also discussed OCC budget cuts and no back-filling of positions.

Virginia Conway complemented the Commission regarding recent event held in San Francisco.

HEARING OF OFFICER GENADY W. KOMARCHUK, SUPPORT SERVICES DIVISION

The hearing of Police Officer Genady W. Komarchuk, Support Services Division, was called it having been set for this date. Officer Komarchuk was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department)

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Genady W. Komarchuk appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore entered a plea of no contest to Specification No. 1 on behalf of Officer Komarchuk. Officer Komarchuk personally admitted the truth of the allegations and concurred in the plea.

The Police Commission unanimously approved and accepted the plea of Officer Komarchuk.

Based on these findings, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1

Thirty (30) days suspension, two year program analogous to that described in General Order D-4 under the personnel direction of the Commanding Officer of the Staff Services Division and random urine testing for the two years.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 63-94

DECISION - HEARING OF OFFICER GENADY W. KOMARCHUK, SUPPORT SERVICES DIVISION

WHEREAS, on April 20, 1994, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Officer Genady W. Komarchuk, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Officer Genady W. Komarchuk, Star Number 2075, (herein referred to as "the accused") was and is a police officer, employed by the San Francisco Police Department and assigned to the Records Section, Support Services Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On December 28, 1993, at or about 1354 hours, the accused, while off-duty, operated his motor vehicle Westbound on Clayton Road near its intersection with Alberta Way in the City of Concord, County of Contra Costa, State of California;

(4) On December 28, 1993, at or about 1354 hours, the accused drove his automobile on Clayton Road recklessly and at a rate of speed in excess of the safe speed on Clayton Road under the traffic conditions at that time; because of his unsafe operation of his vehicle, the accused "rear ended" another automobile traveling in the same direction as he was on Clayton Road near its intersection with Alberta Way, causing moderate damage to both automobiles;

(5) Two Concord Police Department officers responded to the scene and investigated the incident; the first Concord Police officer to talk to the accused immediately sensed the strong odor of an alcoholic beverage emanating from the accused and noticed his slurred speech and that his "balance was very poor"; the first officer informed the second officer of the accused's intoxicated condition; the second officer smelled alcohol on the accused's breath and observed that the accused was staggering due to his "advanced stage of intoxication" and had to be assisted by the second officer to the patrol car; the accused was arrested for violation of Vehicle Code section 23152(a);

(6) A[illegible] transported to the Concord Police Station, where he chose to take a breatholyzer test which was administered at 1430 hours on December 28, 1993; the test resulted in a finding from the two breath samples of the accused that his blood contained 0.23 percent alcohol by weight, a violation of Vehicle Code section 23152(b) which makes in unlawful to drive a motor vehicle with more than 0.08 blood alcohol by weight;

(7) The accused, by operating a motor vehicle while under the influence of alcohol in violation of California Vehicle Code section 23152(a) and by operating a motor vehicle with more than 0.08% of blood alcohol by weight, in violating of California Vehicle Code section 23152(b), has engaged in conduct which violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member, either within or without the state, which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, June 1, 1994 and on June 1, 1994, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Officer Genady W. Komarchuk are sustained; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency ad good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Thirty (30) days suspension and enroll in the Department approved D-4 Program for two years with random urine testing for the two year period.

and be it further

RESOLVED, that the thirty (30) calendar days suspension shall commence on Saturday, June 4, 1994 at 0001 hours and terminate to Sunday, July 3, 1994 at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Feinstein, Friday, Rodriguez
ABSENT: Commissioners Hewlett, Low.

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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JUNE 4, 1994 SPECIAL MEETING

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST OFFICER E. BRIAN NORMANDY, SUPPORT SERVICES DIVISION

The hearing for taking of evidence in the disciplinary charges filed against Police Officer E. Brian Normandy was called at 9:15 a.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Tito Torres, Attorney at Law, appeared on behalf of Officer E. Brian Normandy.

The following witnesses were called by the prosecution, were sworn and testified:

Timothy Le Normandy
Roseanna Velasquez
Dolores Velasquez
Officer E. Brian Normandy

The hearing was then adjourned at 3:35 p.m. to be continued on Saturday, June 25, 1994.

Recess taken during the hearing of Officer Normandy:

10:05 a.m. - 10:15 a.m.
10:25 a.m. - 10:30 a.m.
11:40 a.m. - 1:00 p.m.

(The entire proceedings were taken in shorthand form by Mr. Dave Davenport, CSR., Hendershied & Associates)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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JUNE 6, 1994 SPECIAL MEETING

A Procedural Hearing for the taking of evidence was conducted by Commissioner Katherine Feinstein on Monday, June 6, 1994 at 9:35 a.m.:

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT JOSEPH WEATHERMAN, SUPPORT SERVICES DIVISION

Ms. Maria Narayan, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Ms. Ellen Mendelson, Attorney at Law, appeared on behalf of Officer Lorraine Lombardo.

Sergeant Joseph Weatherman was present.

The hearing for taking of evidence in the disciplinary charges filed against Sergeant Joseph Weatherman is put over for Tuesday, June 7th, at 3:00 p.m., due to illness of Defense Attorney, Ms. Sylvia Courtney.

Therafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 8, 1994

EXECUTIVE SESSION

ROOM 505-2
5:00 p.m.

Attorney-Client Conference

a. Ramon Navarro v. CCSF
Superior Court No. 949-592

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 8, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion on Calendaring of New Matters
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion Re: Revised General Orders
9. Police Commission Discussion and Consideration for Adopting or Rejecting the PC&N Hearing Officer's Findings of Fact for the Public Convenience and Necessity Taxicab Permits
10. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 8, 1994

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claim:

   a. Ramon Navaro v. CCSF $7,001.28

2. Request of Inspector Stephen Tittel to Accept a $100.00 Gift Certificate from Dr. William Allen

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

Minutes.

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JUNE 8, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 5:10 p.m. to 5:30 p.m. in an Executive Session.

a. Ramon Navarro v. CCSF

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

JUNE 8, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m. in a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low stated that the Commission met in Executive Session and in the executive session, they voted to accept gift on the Consent Calendar.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 64-94

RAMON NAVARRO v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Ramon Navarro v. CCSF" in Superior Court No. 949-592 in the amount of $7,001.28 for damages sustained, be, and the same is hereby approved.

Date of Incident: 1975-1992

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 65-94

APPROVAL OF THE REQUEST OF INSPECTOR STEPHEN TITTEL TO ACCEPT A $100.00 GIFT CERTIFICATE FROM DR. WILLIAM ALLEN

RESOLVED, that the Police Commission hereby approves the request of Inspector Stephen Tittel to accept a $100.00 gift certificate from Dr. William Allen.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low stated there will be no meeting July 15th. Next meeting will be in the district on June 21st.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera stated that he will be out of state Thursday through the following Tuesday. He also stated that through June 3rd, crime was down 18%. He also discussed crime control goals including the curbing violation program and Captain Welch, from Investigation, brief the Commission on training which started May 17th. Thirty-five sergeants were trained and will in turn train other officers. He also stated there will be a meeting regarding Emergency Protective Orders.

Lieutenant Sandy Tong, General Works, updated the Commission regarding follow-up training on Emergency Protective Orders.

Commissioner Hewlett then inquired regarding station follow-up regarding emergency protective orders. She commends the department for the protective role in dealing with emergency protective orders.

Officer Sandi Bargioni, Special Investigations, briefed the Commission regarding the hate crime update and stated the training is continuing and that the Civil Disturbance Training has begun in video form. She also discussed regarding the new procedures in Special Investigations in which documents are now perforated.

Commissioner Hewlett has also stated she had conducted two audits regarding special investigations documents.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Porter stated that she is in receipt of a lease for the new OCC office located at 760 Harrison Street. She indicated the lease is a five year lease with a five year option. She also stated that the new staff attorney, is on board and they're reviewing all pending cases, working on training program for investigators and also working on a mediation proposal.

Jill Tregor, Intergroup Clearinghouse, addressed the Commission on OCC statistics and discussed the increase in complaints from the Tenderloin Task Force.

Commissioner Hewlett discussed pattern of complaints and Chief Ribera designated Lt. Lorin, Management Control, to look into the matter.

DISCUSSION RE: REVISED GENERAL ORDERS

Commissioner Low stated this is on calendar for review and stated the Commission will review the revised general orders in stages. Sections one through four will be reviewed June 29th and remainders will be scheduled in subsequent meetings. He also stated that the Commission may review any order separately if they chose to do so.

John Crew, ACLU, addressed the Commission regarding substantive issues of change of orders.

POLICE COMMISSION DISCUSSION AND CONSIDERATION FOR ADOPTING OR REJECTING THE PC&N HEARING OFFICER'S FINDINGS OF FACT FOR THE PUBLIC CONVENIENCE AND NECESSITY TAXICAB PERMITS

Commissioner Low stated the Commission has reviewed the reports.

RESOLUTION NO. 66-94

ADOPTION OF THE PC&N HEARING OFFICER'S FINDINGS OF FACT FOR THE PUBLIC CONVENIENCE AND NECESSITY TAXICAB PERMITS

RESOLVED, that the Police Commission hereby adopts the PC&N hearing officer's finding of fact for the Public Convenience and Necessity Taxicab Permits.

AYES: Commissioners Friday, Low, Rodriguez
NAYS: Commissioners Feinstein, Hewlett

PUBLIC COMMENTS

Nathan Dwery, General Manager Yellow Cab Co-op, discussed rising tourist market and growth at the airport. He urged the Commission for more permits.

Alfred Stone, DeSoto Cab Company, talked of cab availability and stated that more cabs will not help, it will only diminish quality of service.

Yosadek Desta requests more cab permits be issued.

Mark Ruberg, taxi driver, stated no more taxis are needed.

Josek Kotjella addressed the Commission regarding taxi issues.

Commissioner Feinstein then inquired regarding Board of Permit appeals ordering 50 more permits.

Lieutenant Tacchini ordered that permits were ordered by the court could occur any time.

Phil Ward, Attorney for Yellow Cab, updated the Commission on the status of Judge Pollack's decision.

Motion by Commissioner Rodriguez, second by Commissioner Friday PC&N report approved 3-2.

Commissioner Hewlett addressed after the vote and stated there is no remedy outside of the charter.

Commissioner Feinstein stated she is not satisfied with the report.

Judge Low then made a statement stating that the Commission must follow the law as written and has no authority to issue temporary permits. He indicated there are presently some flaws in the law. He thanked Captain Hebel for his report in undertaking a difficult task.

Thereafter, the meeting was adjourned at 7:10 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/7258

Minutes

JUNE 9, 1994 SPECIAL MEETING

A Procedural Hearing for the taking of evidence was conducted by Commissioner Katherine Feinstein on Thursday, June 9, 1994:

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT JOSEPH WEATHERMAN, SUPPORT SERVICES DIVISION

The hearing for taking of evidence in the disciplinary charges filed against Sergeant Joseph Weatherman was called at 1:40 p.m., it having been set for this date.

Ms. Maria Narayan and Ms. Ann Wicks, Attorneys at Law, appeared on behalf of the San Francisco Police Department.

Ms. Sylvia Courtney, Attorney at Law, appeared on behalf of Sergeant Joseph Weatherman.

Ms. Ellen Mendelson, Attorney at Law, appeared on behalf of Officer Lorraine Lombardo. Ms. Mendelson stated that Officer Lombardo waives the right to representation by counsel.

The following witnesses were called by the Prosecution, were sworn and testified:

Georgia O. Gregg
Sergeant Joseph Weatherman
Officer Lorraine L. Lombardo

(Closed Session during the testimony of Officer Lombardo, from 6:45 p.m. - 7:00 p.m.)

The following exhibits were identified and entered into evidence by the Prosecution:

Exhibit #11 Copy of Picture of Auto (D0072) & Copy of Note (D0073)

Exhibit #12 (D0092 thru D0096) Copy of Envelope and four (4) page letter; postmarked 2/4/93

Exhibit #13 Copy of Envelope and Card postmarked 2/9/93 (D0264 thru D0065)

Exhibit #14 Envelope and Greeting Card postmarked 2/26/93

Exhibit #15 Two page letter dated 11/26/92 (D0261-D0262)

Exhibit #16 Transcript "Tape 2, Side A" pages 23 thru 28

Exhibit #17 Copy of Greeting Card, 2 pages, signed "Lorraine" (D0333-D0334)

Exhibit #18 Copy of handwritten note, 6 pages, from "Joe" (D0255 thru D0260)

Exhibit #19 Copy of Resume of Sergeant Joe Weatherman, 8 pages (D0341 thru D0348)

Exhibit #20 Copy of Card, "Lorraine" from Joe, 2 pages (D0253-D0254)

Exhibit #21 Journal of Lorraine Lombardo (D0236 thru D0500)

Exhibit #22 Copy Message dated 1/28/93 (D0263)

Exhibit #23 Copy of Postcard to Joaquin Dominguez (D0101)

Exhibit #24 Copy, Three (3) Photos MVT Veh 028 (D0087)

Exhibit #24A Printout CAD Julian Cate 93038

The hearing was then adjourned at 8:15 p.m. and continued to Friday, June 10th at 9:30 a.m.

Recess taken during the hearing of Sergeant Weatherman:

2:30 p.m. - 2:55 p.m.
3:35 p.m. - 4:00 p.m.
5:00 p.m. - 6:15 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/7307M

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JUNE 10, 1994 SPECIAL MEETING

A Procedural Hearing for the taking of evidence was conducted by Commissioner Katherine Feinstein on Friday, June 10, 1994:

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT JOSEPH WEATHERMAN, SUPPORT SERVICES DIVISION

The hearing for taking of evidence in the disciplinary charges filed against Sergeant Joseph Weatherman was called at 10:05 a.m., it having been set for this date.

Ms. Maria Narayan and Ms. Ann Wicks, Attorneys at Law, appeared on behalf of the San Francisco Police Department.

Ms. Sylvia Courtney, Attorney at Law, appeared on behalf of Sergeant Joseph Weatherman.

The following witnesses were called by the Prosecution, were sworn and testified:

Officer Lorraine Lombardo
Officer Joaquin Dominguez, Jr.
Officer Willard Dennis Kaleva
Sergeant Layne Amiot

Officer Lorraine Lombardo recalled

The hearing was then adjourned and continued on Monday, June 13, 1994.

Recess taken during the hearing of Sergeant Weatherman:

10:50 a.m. - 11:05 a.m.
11:40 a.m. - 1:55 p.m.
2:45 p.m. - 3:10 p.m.
3:55 p.m. - 4:05 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/7307M

JUNE 13, 1994 SPECIAL MEETING

A Procedural Hearing for the taking of evidence was conducted by Commissioner Katherine Feinstein on Monday, June 13, 1994:

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT JOSEPH WEATHERMAN, SUPPORT SERVICES DIVISION

The hearing for taking of evidence in the disciplinary charges filed against Sergeant Joseph Weatherman was called at 1:50 p.m., it having been set for this date.

Ms. Maria Narayan and Ms. Ann Wicks, Attorneys at Law, appeared on behalf of the San Francisco Police Department.

Ms. Sylvia Courtney, Attorney at Law, appeared on behalf of Sergeant Joseph Weatherman.

The following witnesses were called by the Prosecution, were sworn and testified:

Officer Lorraine Lombardo

(Closed Session from 2:40 p.m. to 3:05 p.m.)

Sergeant Steve Johnson (Out of order)
Officer Doug Sylvester, Emeryville Police Department
Officer Lorraine Lombardo (recalled)

The following exhibits were identified and entered into evidence by the Prosecution:

Exhibit #25	Photo of Auto with Object on Hood
Exhibit #26	Copy of Greeting Card to Lorraine from Colleen, dated 1/21/92 (D0309 thru D0312) **(Confidential Exhibit)**
Exhibit #27	Copy of Emeryville Police Department Police Report
Exhibit #28	Diagram I-80 & Powell in Emeryville

The hearing was then adjourned at 4:45 p.m. to be continued to Wednesday, June 15th at 9:30 a.m.

Recess taken during the hearing of Sergeant Weatherman:

3:05 p.m. - 3:30 p.m.
4:15 p.m. - 4:40 p.m.

(The entire proceedings were taken in shorthand form by Ms. Peppina Thompson, CSR., Henderscheid & Associates)

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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JUNE 15, 1994 SPECIAL MEETING

A Procedural Hearing for the taking of evidence was conducted by Commissioner Katherine Feinstein on Wednesday, June 15, 1994:

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT JOSEPH WEATHERMAN, SUPPORT SERVICES DIVISION

The hearing for taking of evidence in the disciplinary charges filed against Sergeant Joseph Weatherman was called at 9:45 a.m., it having been set for this date.

Ms. Maria Narayan and Ms. Ann Wicks, Attorneys at Law, appeared on behalf of the San Francisco Police Department.

Ms. Sylvia Courtney, Attorney at Law, appeared on behalf of Sergeant Joseph Weatherman.

The following witnesses were called by the Prosecution, were sworn and testified:

Officer Lorraine Lombardo
Officer Patricia Correa

The following exhibits were identified and entered into evidence by the Prosecution:

Exhibit 29 Computer Print-out Registration License YLUIS Buyer Lorraine Lombardo

Exhibit 29A Copy Registration License "YLUIS"

The following exhibit was identified and entered into evidence by both the Prosecution and Defenes:

Exhibit #1 Transcript Interview of Lorraine Lombardo with EEO (D0105 thru D0151)

The hearing was then adjourned at 8:20 p.m. to be continued on Thursday, June 16, 1994.

PLEASE NOTE: Portions of this hearing were closed to the public.

Recess taken during the hearing of Sergeant Weatherman:

10:30 a.m. - 10:45 p.m.
11:40 a.m. - 1:40 p.m.
3:05 p.m. - 3:40 p.m.
4:00 p.m. - 4:20 p.m.
6:05 p.m. - 7:10 p.m.
8:00 p.m. - 8:10 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/7307M

JUNE 16, 1994 SPECIAL MEETING

A Procedural Hearing for the taking of evidence was conducted by Commissioner Katherine Feinstein on Thursday, June 16, 1994:

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT JOSEPH WEATHERMAN, SUPPORT SERVICES DIVISION

The hearing for taking of evidence in the disciplinary charges filed against Sergeant Joseph Weatherman was called, it having been set for this date.

Ms. Maria Narayan and Ms. Ann Wicks, Attorneys at Law, appeared on behalf of the San Francisco Police Department.

Ms. Sylvia Courtney, Attorney at Law, appeared on behalf of Sergeant Joseph Weatherman.

The following witnesses were called by the Prosecution, were sworn and testified:

Richard Racine
Mazan Kharsa
Sergeant David Spencer
Officer Lois Perillo
Officer Sally DeHaven
Captain Joaquin Santos
Inspector William Davenport
Officer Lorraine Lombardo

The following exhibits were identified and entered into evidence by the Prosecution:

Exhibit #30	Copy of Photo of Officer M. Delgadillo, #758
Exhibit #31	Copy of Personnel Scheduling, Potrero Station, 2/22/93, Watch 3
Exhibit #31A	Copy of Personnel Scheduling, Potrero Station, 2/22/93, Watch 2
Exhibit #32	Copy of Personnel Scheduling, Mission Station, 2/7/93, Watch 2
Exhibit #32A	Copy of Personnel Scheduling, Mission Station, 2/7/93, Watch 3
Exhibit #33	Copy of Memo, 2 pages, dated 3/24/93 from Lt. William Davenport to Deputy Chief Frank Reed
Exhibit #33A	Copy of Memo, 1 page, dated 3/29/94 from Lt. William Davenport to Captain David Maron
Exhibit #34	Memo to Captain David Maron from Lt. William Davenport dated 2/14/94
Exhibit #35	Copy of Postcard dated 6/14/94 from Colleen Ann
Exhibit #36	Copy of Note to Colleen Ann from Lorraine

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The hearing was then adjourned to be continued on Tuesday, June 21, 1994.

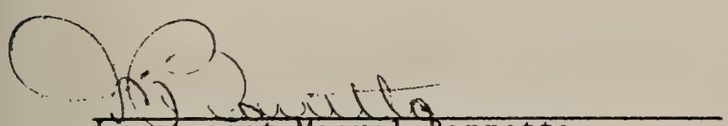
PLEASE NOTE: Portions of this hearing were closed to the public.

Recess taken during the hearing of Sergeant Weatherman:

10:20 a.m. - 10:30 a.m.
11:05 a.m. - 11:25 a.m.
12:25 p.m. - 1:55 p.m.
4:00 p.m. - 4:15 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/7307M

JUNE 21, 1994 SPECIAL MEETING

A Procedural Hearing for the taking of evidence was conducted by Commissioner Katherine Feinstein on Tuesday, June 21, 1994:

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT JOSEPH WEATHERMAN, SUPPORT SERVICES DIVISION

The hearing for taking of evidence in the disciplinary charges filed against Sergeant Joseph Weatherman was called at 9:40 a.m., it having been set for this date.

Ms. Maria Narayan and Ms. Ann Wicks, Attorneys at Law, appeared on behalf of the San Francisco Police Department.

Ms. Sylvia Courtney, Attorney at Law, appeared on behalf of Sergeant Joseph Weatherman.

The following witnesses were called by the Defense, were sworn and testified:

Sergeant Joseph Weatherman
Deputy Chief Frank Reed
Lieutenant Willis Garriot
Sergeant Paul Libert
Captain Gregory Corrales

The hearing was then adjourned at 4:55 p.m. to be continued on Friday, June 24, 1994 at 9:00 a.m.

PLEASE NOTE: Portions of this hearing were closed to the public.

Recess taken during the hearing of Sergeant Weatherman:

9:50 a.m. - 10:35 p.m.
11:55 a.m. - 1:55 p.m.
2:55 p.m. - 3:20 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 22, 1994

REGULAR MEETING

CENTRAL DISTRICT
FRANCISCO MIDDLE SCHOOL
2190 POWELL STREET
6:00 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes of Meetings of April 20, 1994, May 4, 1994 and May 18, 1994
4. Police Commission Report
   a. Motion on Calendaring of New Matters
5. Assignment of Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Sergeant Wilbert Battle, Medical Liaison (File No. C34-267 RLC)
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Request of the Chief of Police for Approval of Legislation Imposing the Towing Administration Fee
9. Captain John Willett, Commanding Officer, Central Station, to Address the Commission on Police Activities in the Central District
10. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

Minutes

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JUNE 22, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Central District at Francisco Middle School, 2190 Powell Street, at 6:05 p.m. for a Regular Meeting.

PRESENT: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

Commissioner Low welcomes the audience, introduced the Commission, the Chief and the Command Staff.

APPROVAL OF MINUTES OF MEETINGS OF APRIL 20, 1994, MAY 4, 1994 AND MAY 18, 1994

Approval of minutes of the meetings of April 20th, May 4th and May 18, 1994, the Commissioners having received, approved and returned the copies of same. Minutes Approved 4-0.

POLICE COMMISSION REPORT

Commissioner Low announced next meeting will be June 29th.

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON CHARGES FILED AGAINST SERGEANT WILBERT BATTLE, MEDICAL LIAISON

Off calendar due to the death of the officer.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera introduced Gary Hoy, Department of Architecture, who briefed the Commission on the proposed renovation of Central Station. He indicated that there will be 3,000 additional square feet, revisions to the men's bathroom and also additional women's bathrooms.

Chief Ribera announced that he had a meeting with the command staff this date and they discussed the safe summer program which includes additional foot beat in the high tourist areas including Fisherman's Wharf and Union Square. Concentration on the areas where summer schools arte being conducted and also transfer points to and from these locations. He also talked of the nightclub safety program and also the traffic safety program which included DUIs and seatbelt program and the bicycle safety program.

He also talked of a barbeque held in the Alice Griffith Projects which included members of the department and also a baseball tournament. He presented crime statistics and stated crime was down 15.8% in May, 16.7% in the Central District. He also talked of traffic enforcement in May.

He also discussed proposed used of pepper spray and stated that Lt. Jim Hall will brief the Commission on June 29th regarding proposed used of pepper spray.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, for Alfreda Porter, described the duties and responsibilities of the OCC.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF LEGISLATION IMPOSING THE TOWING ADMINISTRATION FEE

John Bisordi, Fiscal, briefed the Commission on proposed legislation on imposing the traffic administration fee. After discussion, motion by Commissioner Hewlett, second by Commissioner Rodriguez. Matter approved 4-0.

RESOLUTION NO. 68-94

APPROVAL OF LEGISLATION IMPOSING THE TOWING ADMINISTRATION FEE

RESOLVED, that the Police Commission supports the request and urges the Board of Supervisors to approve legislation imposing the towing administration fee.

PRESENT: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

CAPTAIN JOHN WILLETT, COMMANDING OFFICER, CENTRAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE CENTRAL DISTRICT

Commissioner Low introduced Captain Willett who briefed the Commission and the audience on the activities in the Central District. Captain stated crime for April and May is down 20%. he talked of special events that have been taking place in the Central District.

Sergeant Greely then made a video slide presentation regarding the activities in the Central District and Captain Willett talked of the upcoming 4th of July fireworks at Fisherman's Wharf.

Lee Waterling described the volunteer program.

Martha Cohen, Mayor's Office, discussed possible use of 4:30 Bay Street for use by the Department's Muni Detail and she is continuing to research the matter and is in contact with the community regarding cost to upgrade property and stated that there is no city money available to assists.

Officer Alan Lum briefed the Commission on a recent seizure of the fireworks in the Chinatown area and also indicated a program in which they educate the community regarding danger, etc., regarding fireworks. So far there have been 25 felony arrests regarding possession and sale, 8 autos has been seized and also 1600 pounds of fireworks have been recovered by members of the Central District. He also stated there have been a series of robberies in the Central and arrests have been made.

PUBLIC COMMENTS

Jim Lewis, resident, taxi driver, talked of traffic safety legislation.

Mark Ruberg, taxi driver, discussed traffic safety legislation.

Ron Firetag, resident, discussed gang problems.

Katherine Bowbrowski discussed problems Sutter Stockton area drug dealing, panhandling.

Paul Von Beroldenger, resident, addressed the Commission on behalf of owner of San Rema Hotel. He stated that a police substation is needed in Fisherman's Wharf area.

Dick Hammin discussed Central Station remodeling and substation location. He talked of fundraisers for remodeling of Central Station.

Walter Pastori, businessman, commends Captain Willett and asked that the Commission and the Chief keep him in Central Station and he stated more officers are needed in the Central District especially on weekends.

Thereafter, the meeting was adjourned at 7:30 p.m.

M. Barretta

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/7260M

Minutes

194

JUNE 24, 1994 SPECIAL MEETING

A Procedural Hearing for the taking of evidence was conducted by Commissioner Katherine Feinstein on Tuesday, June 21, 1994:

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT JOSEPH WEATHERMAN, SUPPORT SERVICES DIVISION

The hearing for taking of evidence in the disciplinary charges filed against Sergeant Joseph Weatherman was called at 9:40 a.m., it having been set for this date.

Ms. Maria Narayan and Ms. Ann Wicks, Attorneys at Law, appeared on behalf of the San Francisco Police Department.

Ms. Sylvia Courtney, Attorney at Law, appeared on behalf of Sergeant Joseph Weatherman.

The following witnesses were called by the Defense, were sworn and testified:

Sergeant Joseph Weatherman
Deputy Chief Frank Reed
Lieutenant Willis Garriot
Sergeant Paul Libert
Captain Gregory Corrales

The hearing was then adjourned at 4:55 p.m. to be continued on Friday, June 24, 1994 at 9:00 a.m.

PLEASE NOTE: Portions of this hearing were closed to the public.

Recess taken during the hearing of Sergeant Weatherman:

9:50 a.m. - 10:35 p.m.
11:55 a.m. - 1:55 p.m.
2:55 p.m. - 3:20 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 29, 1994

EXECUTIVE SESSION

ROOM 505-2
5:15 p.m.

Attorney-Client Conference

a. Coming Up, Inc. v. CCSF
USDC C92-3714

b. Dawn Walker v. SFPD
USDC C91-1190 SAW

The Police Commission

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WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 29, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Vote on Whether to Disclose Executive Session Discussion

4. Approval of Consent Calendar

5. Police Commission Report
   a. Motion on Calendaring of New Matters

6. Assignment of Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Police Officer Kent D. Dalrymple, Solos (File No. C34-255 JWA)

7. Assignment of Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Police Officer Kelvin K. Tso, Support Services (File No. C34-223 BSK)

8. Chief's Report to the Police Commission

9. OCC Director's Report to the Police Commission

10. Recommendation of the Chief of Police Opposing Legislation Calling for Consolidation of Department of Parking & Traffic and the Police Department

11. Status Report re: Helicopter from Golden ADA, Inc.

12. Discussion and Action re: Revised General Orders

13. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

14. Hearing on Charges Filed Against Officer Sharon Bissell, Mission Station (File Nos. C23-159 & C34-021 JWA)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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CLOTHILDE V. HEWLETT
Vice President

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Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 29, 1994

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claimS:

   a. Coming Up, Inc. vs. CCSF
   b. Dawn Walker v. SFPD $77,500.00

2. Request of the Chief of Police to Accept Donations of $2,000.00 from Chemical Bank and $2,000.00 from Bank of America Visa, for Use of the Tactical Investigations Unit

3. Request of the Chief of Police to Accept a Donation of $2,500.00 from CitiBank for the Use of the Tactical Investigations Unit

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

JUNE 29, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, at 850 Bryant, San Francisco from 5:10 p.m. to 5:30 p.m. in an Executive Session.

a. Coming Up, Inc. v. CCSF
b. Dawn Walker v. SFPD

PRESENT: Commissioner Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

JUNE 29, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, San Francisco at 5:40 p.m. in a Regular Meeting.

PRESENT: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low announced that the three items on the Consent Calendar were items that were discussed in Executive Session.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Hewlett, second by Commission Feinstein. Motion approved 4-0.

RESOLUTION NO. 70-94

DAWN WALKER v. SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Dawn Walker v. San Francisco Police Department" in United States District Court No. C91-1190 SAW in the amount of $77,500.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: Ongoing Since 1987

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

RESOLUTION NO. 71-94

APPROVAL TO ACCEPT DONATIONS OF $2,000.00 FROM CHEMICAL BANK AND $2,000.00 FROM BANK OF AMERICA VISA, FOR USE OF THE TACTICAL INVESTIGATIONS UNIT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donations of $2,000.00 from Chemical Bank and $2,000.00 from Bank of America Visa, for use of the Tactical Investigations Unit.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

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RESOLUTION NO. 72-94

APPROVAL TO ACCEPT A DONATION OF $2,500.00 FROM CITIBANK FOR THE USE OF THE TACTICAL INVESTIGATIONS UNIT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of $2,500.00 from CitiBank for the use of the Tactical Investigations Unit.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

POLICE COMMISSION REPORT

Commissioner Low announced no Commission meeting July 6th or July 13th and the next meeting will be on July 20th. The Commission will review next three sections of the General Orders as well as the use of pepper spray. Commissioner Hewlett asked that if there is any other documents regarding use of pepper spray to submit to the Commission as soon as possible for review.

John Crew, ACLU, asked that pepper spray not be used until after further discussion on July 20th.

After discussion, Commissioner Low then asked the Chief to hold off use of pepper spray until after the issue is discussed July 20th.

John Crew additionally asked for reports of use.

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR THE TAKING OF EVIDENCE ON CHARGES FILED AGAINST POLICE OFFICER KENT D. DALRYMPLE, SOLOS (FILE NO. C34-255 JWA)

Ray Roberts appeared for Officer Dalrymple. Case assigned to Commissioner Feinstein.

RESOLUTION NO. 73-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER KENT D. DALRYMPLE, SOLOS

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Kent D. Dalrymple, Solos, was called it having been set for this date; and

WHEREAS, Commissioner Katherine Feinstein is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Dalrymple; therefore be it

RESOLVED, that Commissioner Feinstein is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Dalrymple and is to be set at a later date.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

RESOLUTION NO. 74-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER KELVIN K. TSO, RECORDS SECTION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Kelvin K. Tso, Records Section, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Tso; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Tso and is to be set at a later date.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed the budget hearing he attended today at the Board of Supervisors Budget Committee that the budget has been approved and he stated that the department should be able to live within the budget as set.

Commander Holder discussed the Fugitive Recovery Enforcement team efforts to date and stated since beginning of the program in July, there have been over 638 arrests and that the program is on-going.

Commissioner Low commends Commander Holder for the efforts of the team as well as Commissioner Hewlett.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Commissioner Hewlett discussed follow-up regarding the budget of OCC and stated she was in contact with the Mayor's Office and indicated that the OCC budget has not been reduced.

Discussion then followed regarding staffing and current budget and Commissioner Hewlett asked Investigator Barbara Attard to send a copy of requested budget to the Commission for review. Barbara Attard then updated the Commission regarding the proposed move of the OCC office to 760 Harrison Street and stated that the information was going to the Board of Supervisors for review.

RECOMMENDATION OF THE CHIEF OF POLICE OPPOSING LEGISLATION CALLING FOR CONSOLIDATION OF DEPARTMENT OF PARKING AND TRAFFIC AND THE POLICE DEPARTMENT

Chief Ribera discussed his opposition for the consolidation of the Department of Parking and Traffic and the Police Department and after discussion, the Commission approved the resolution opposing the merger.

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RESOLUTION NO. 69-94

PROPOSED CHARTER AMENDMENT TRANSFERRING CONTROL FUNCTIONS FROM THE DEPARTMENT OF PARKING AND TRAFFIC TO THE SAN FRANCISCO POLICE DEPARTMENT

WHEREAS, in 1988, the voters of the City and County of San Francisco approved the establishment of the Department of Parking and Traffic, to streamline parking and traffic control jurisdiction; and

WHEREAS, on June 7, 1994, the voters of San Francisco through Proposition D spoke loud and clear that they wanted full staffing for our community policing efforts at the district stations; and

WHEREAS, the primary mission of the Police Department is the prevention and detection of serous crime; and

WHEREAS, the State of California has determined that the system of parking citations administration be decriminalized and maintained by the citation issuing agency; and

WHEREAS, cooperation and communication between the Department of Parking and Traffic and the Police Department continues to be excellent; and

WHEREAS, other major metropolitan centers have already recognized that the establishment of Parking and Traffic Departments enables a Police Department to devote more attention to criminal activity which threatens public safety; now therefore be it

RESOLVED, that the Police Commission urges the Board of Supervisors to disapprove the placement of a proposed Charter Amendment, amending Section 3.538, on the November 1994 ballot.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

STATUS REPORT RE: HELICOPTER FROM GOLDEN ADA, INC.

Commander Holder addressed the Commission regarding the helicopter use or proposed helicopter use from the Golden ADA, Inc. and stated that the aircraft was not very useful. The 9.5 hours that they were permitted to use was not utilized. Commends the Golden ADA for their efforts and asked permission to continue research from the Commission for possible use in the future but at this time the helicopter would not be used.

DISCUSSION AND ACTION RE: REVISED GENERAL ORDERS

Commissioner Low stated he received a request from the Examiner to put over discussion on 3.16. He stated no conflict with public orders or Sunshine Ordinance and that the request was denied.

General Order 1.01 amended. Approved 2.04 after discussion with John Crew, ACLU, and Linda Ross, City Attorney, was amended and approved. 2.08 was put over to July 20th. 2.04, 2.05, 2.06 and 2.07 were approved. 3.01, 3.02, 3.03, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.10, 3.11, 3.12, 3.13, 3.14, and 3.15 approved. Motion by Commissioner Rodriguez, second

by Commissioner Feinstein. 3.16 approved 4-0. 3.17 approved. 3.18 over to July 20th. 4.01 over to July 20th. 4.02 adopted. Chapters 5, 6 and 7 put over to July 20th. The Commission then thanked Rae Puccinelli from Legal and Officer Sherman Ackerson of Planning for their efforts in the General Order project.

PUBLIC COMMENTS

Katherine Bombrowki discussed problems in her area of residence when calling police.

HEARING OF OFFICER SHARON L. BISSELL, MISSION STATION

The hearing of Police Officer Sharon L. Bissell, Mission Station, was called it having been set for this date. Officer Bissell was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Sharon Bissell appeared in person and was represented by Mr. Steve Whitmore, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Steve Whitmore entered a plea of no contest on Specifications Nos. 1, 2 and 3 on behalf of Officer Bissell. Officer Bissell personally affirmed entry of a no contest plea in these matters.

The Police Commission unanimously approved and accepted the plea of Officer Bissell.

Based on these findings, the Commission requested a recommendation from Chief of Police, Anthony D. Ribera. The following recommendation was made by the Chief of Police:

Termination held in abeyance for three (3) years and

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SPECIFICATION NO. 1

Fifteen (15) days suspension

SPECIFICATION NO. 2

Fifteen (15) days suspension

SPECIFICATION NO. 3

Fifteen (15) days suspension

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 75-94

DECISION - HEARING OF OFFICER SHARON L. BISSELL, MISSION STATION

WHEREAS, on March 22, 1994, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Officer Sharon L. Bissell, and

WHEREAS, the Commission having heard the matter, made the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Sharon L. Bissell, Star Number 1917, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Mission District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) The accused and her roommate lived together in the City of Pacifica for approximately one year before February 20, 1993; In either October, 1989 or the middle of 1991, according to the accused's roommate, the accused's roommate purchased a used motor vehicle from a relative; the accused's roommate was to make monthly payments until the entire purchase price was paid; the seller stated that in July, 1992, the accused's roommate became delinquent in her payments for the vehicle; the seller stated that he gave her notice that he would repossess the vehicle if she did not cure the default; some time after 2100 hours, on October 7, 1992 and before 04044 hours on October 8, 1992, the seller took possession of the vehicle from the residence shared by the accused and her roommate in Pacifica, California;

(4) On October 8, 1992, the accused's roommate made a stolen automobile report to the Pacifica Police Department; the matter was investigated and on October 15, 1992, the San Mateo County District Attorney's Office determined that the matter was a

civil matter, not a criminal matter; on October 15, 1992, the Pacifica Police Department detective assigned to investigate the matter, removed the vehicle identification information from the stolen vehicle register in the state wide computer system;

(5) On October 16, 1992, the accused's roommate went to the Mission Station of the San Francisco Police Department and filed a stolen automobile report, claiming that on October 16, 1992, the vehicle had been taken from 1169 Market Street, San Francisco, California;

(6) On October 21 and 26, 1992, the accused contacted an inspector to the Auto Detail to inform him that she had information concerning the report made by her roommate on October 16, 1992; the inspector directed her to make a supplemental report regarding the new information she wished to bring to the investigator's attention;

(7) On or about October 27, 1992, the accused made a written report on plain yellow paper, not on official department forms, to the auto detail of the Investigation Bureau memorializing two telephone calls made on October 21, 1992 and on October 26, 1992, concerning the alleged theft of the accused's roommate's vehicle in San Francisco which report the accused knew was untrue; these telephone calls reaffirmed to the auto detail the false facts stated in her roommates police report to the San Francisco Police Department on October 16, 1992, claiming that her truck was stolen on October 16, 1992; the accused repeated misstatements regarding the "pink slip" to the allegedly stolen automobile, stated that she had located a suspect and misstated the nature of the transaction by stating that the sale was complete and that the seller was merely trying to extort money from the accused's roommate under the guise of repossession;

(8) California Penal Code section 118.1, states:

"Every peace officer who files any report with the agency which employs him or her regarding the commission of any crime or any investigation of any crime, if he or she knowingly and intentionally makes any statement regarding any material matter in the report which the officer knows to be false, whether or not the statement is certified or otherwise expressly reported as true, is guilty of filing a false report punishable by imprisonment in the county jail for up to one year, or in the state prison for one, two, or three years. This section shall not apply to the contents of any statement which the peace officer attributes in the report to any other person."

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(9) The accused by making a false report to the San Francisco Police Department engaged in conduct which violated Penal Code Section 118.1, which violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(10) Each and every allegation contained in paragraphs (1) through (9), inclusive, of Specification No. 1 above is incorporated herein by reference and is realleged as though set forth in full;

(11) On August 13, 1991, the San Francisco Police Department published Department Bulletin Number 91-05, restating department policy and State of California policy and law concerning use of department computer terminals connected to the California Law Enforcement Telecommunications System (CLETS); the Bulletin specifically reminded each member that making curiosity queries to the CLETS are grounds for disciplinary action; during November, 1991, every member was required to sign for a copy of Department Bulletin 91-99, which included materials for "ANNUAL MANDATORY CLETS/NCIC RETRAINING", which detained the consequences for personal use of CLETS computer information;

(12) California Government Code section 15153 limits use of the CLETS to official business:

"The system shall be under the direction of the Attorney General, and shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or the public agency."

(13) During the summer months of 1992, the accused and her roommate became involved in a dispute with a third person regarding the ownership of a motor vehicle; the accused's roommate made a report that the vehicle had been stolen to the Pacifica Police Department as alleged in Specification No. 1 above;

(14) Commencing on September 2, 1992, through October 24, 1992, the accused queried the CLETS system inquiring regarding a member of the public and a member of the Pacifica Police Department; the accused had a personal grievance concerning the manner in which the member of the Pacifica Police Department handled a report of a stolen vehicle filed by the accused's roommate with the Pacifica Police Department; the accused queried the CLETS system for residence addresses of the Pacifica Police Department officer and the member of the public and for Department of Motor Vehicles information concerning the ownership of an automobile;

(15) Commencing on September 2, 1992, through October 24, 1992, as stated above, the accused used department computer terminals to access the CLETS data bases in violation of San Francisco Police Department policy and procedures, also in violation of the California Government Code and the California Penal Code and in violation of the agreement between the State of California and the Police Department governing the use of the CLETS;

(16) The accused was authorized to access the CLETS for official business reasons connected with her employment as a San Francisco Police Officer, however, the accused was not authorized to access the computer databases included in the CLETS system for her own personal reasons and her conduct in this connection violated Penal Code section 502 (c) subdivisions (2)(3) and (7) which states:

"(c) Except as provided in subdivision (h), any person who commits any of the following acts is guilty of a public offense:

. . .

(2) Knowingly accesses and without permission takes, copies, or makes use of any data from a computer, computer system, or computer network, or takes or copies any supporting documentation, whether existing or residing internal or external to a computer, computer system, or computer network.

(3) Knowingly and without permission uses or causes to be used computer services.

. . .

(7) Knowingly and without permission accesses or causes to be accessed any computer, computer system or computer network."

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(17) The accused, by accessing the CLETS computer data bases to make personal inquiries, some of which were in connection with false police reports, has engaged in conduct which constitutes violations of department written orders, Government Code section 15153 and Penal Code section 502 subsection (c)(2), (3) and (7), which subverts the good order, efficiency and discipline of the department and brings discredit on the department constituting a violating of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 3

(18) Each and every allegation contained in paragraphs (1) and (2) of Specification No. 1 above is incorporated herein by reference and is realleged as though set forth in full;

(19) The accused and her roommate lived together in the City of Pacifica for approximately one year before February 20, 1993; on January 31, 1993, the accused and her roommate became involved in an altercation at the home they shared in Pacifica, in which the roommate alleged that the accused assaulted her with her fists and made serious threats of great bodily harm;

(20) On February 20, 1993, the accused and her roommate again became involved in an altercation in their home in Pacifica; the accused struck her roommate several times causing injuries to her face and head, made threats of serious injury to the roommate and when the roommate telephoned for police assistance, the accused took the telephone away from her and threw it out the window; the roommate ran from the house and called the police; the roommate declined medical treatment from the responding fire department and ambulance crew;

(21) The accused by engaging in violent physical altercations with her roommate, and by tearing the telephone out of the roommate's hands and throwing it out the window to prevent the roommate from calling the police, engaged in conduct which violated Penal Code section 136.1(b), which violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, June 29, 1994, and on June 29, 1994, the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Bissell's plea of no contest, the Commission finds that the allegations contained in Specification Nos. 1, 2 and 3, as preferred by Chief of Police Anthony Ribera against Officer Sharon L. Bissell are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

Termination be held in abeyance for three (3) years and

SPECIFICATION NO. 1

Fifteen (15) days suspension

SPECIFICATION NO. 2

Fifteen (15) days suspension

SPECIFICATION NO. 3

Fifteen (15) days suspension

RESOLVED, that termination be held in abeyance for three (3) years and that the total suspension of forty-five (45) days shall commence on Saturday, July 16, 1994 at 0001 hours and end on Tuesday, August 30, 1994 at 2400 hours and that.

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If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JULY 20, 1994

EXECUTIVE SESSION

ROOM 505-2
4:45 p.m.

Attorney-Client Conference

a. Public Employee Performance Evaluation
Resignation/Appointment

Position: Director, Office of Citizen Complaints,
Classification no. 8128

b. Hyun Cho v. McLaughlin, et al
Municipal Court No. 097-345

c. Conference with Legal Counsel

Existing Litgation: Coming Up, Inc. v. CCSF, et al
Action No. C92-3714 DLJ

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JULY 20, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion on Calendaring of New Matters
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion and Action Concerning Resolution on Freedom of The Press
9. Motion to Recind Action on Revised General Order Nos. 1.01 thru 4.02 for the Purpose of Taking Additional Public Comments
10. Discussion and Action on Revised General Order Nos. 1.01 thru 4.02 (See attached list for description)
11. Discussion and Action on Revised General Order Nos. 5.01 thru 8.10 (See attached list for description)
12. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

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Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JULY 20, 1994

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:

   a. Hyun Cho v. McLaughlin, et al $15,000.00
   b. Coming Up, Inc. v. CCSF, et al

2. Request of the Chief of Police for Approval of Expenditures from the Chief's Contingent Fund for the Months of March, April, May and June, 1994

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

Attachment

Organizational Structure and Function

1.01 Organizational Structure

1.02 District Boundaries

1.03 Duties of Patrol Officers

1.04 Duties of Sergeants

1.05 Duties of Station Personnel

1.06 Duties of Superior Officers

1.07 Duties of Command Officers/Field Operations Bureau

Rules of Conduct

2.01 General Rules of Conduct

2.02 Alcohol Use by Members

2.03 Use of Drugs by Members

2.04 Citizen Complaints Against Officers

2.05 Citizen Complaints Against Non-Sworn Members

2.06 Vehicle Accidents Involving Members

2.07 Discipline Process for Sworn Officers

2.08 Peace Officers' Rights

Administration

3.01 Written Communication System

3.02 Terms and Definitions

3.03 Facilities Management

3.04 Purchasing Policy and Procedures

3.05 Department Weapon Return Panel

3.06 Residence Certification

3.07 Department Accident Board of Review

3.08 Court Appearance by Members

3.09 Department Awards

3.10 Weapon Discharge Review Board

3.11 Community Oriented Policing and Problem Solving

3.12 Department Training Plan

3.13 Field Training Program

3.14 Civil Legal Process

3.15 Personal Property Claims

3.16 Release of Public Records

3.17 Department Identification Cards

3.18 Performance Improvement Program

Station Operations

4.01 Booking and Detention of Prisoners

4.02 Accepting Bail

Enforcement and Legal Aspects

5.01 Use of Force

5.02 Use of Firearms

5.03 Investigative Detentions

5.04 Arrests by Private Persons

5.05 Response and Pursuit Driving

5.06 Citation Release

5.07 Rights of Onlookers

5.08 Non-Uniformed Officers

5.09 Absentia Bookings and Prisoner Security

5.10 False Alarms

5.11 Outside Agency Reports and Responses

5.12 Search Warrants Related to Drug and Alcohol Abuse Rehabilitation

5.13 Diplomatic Immunity

Investigations

6.01 Crime Scene Log

6.02 Physical Evidence

6.03 Underwater Recovery Unit

6.04 Assaults on Police Officers

6.05 Death Cases

6.06 Tarasoff Incidents

6.07 Dog Complaints

6.09 Domestic Violence

6.10 Missing Persons

6.11 Obstruction of Streets and Sidewalks

6.12 Arrests of Persons on Parole or Probation

6.13 Prejudice-Based Incidents

6.14 Psychological Evaluation of Adults

6.15 Property Processing

6.16 Sexual Assaults

6.17 Taxicab Regulations

6.18 Warrant Arrests

6.19 Victim of Violent Crime Notification

6.20 Aggressive Soliciting

Juvenile

7.01 Juvenile Policies and Procedures

7.02 Psychological Evaluation of Juveniles

Critical Incidents

8.01 Critical Incident Evaluation and Notification

8.02 Hostage and Barricaded Suspect Incidents

8.03 Crowd Control

8.04 Traumatic Incident Response Team

8.05 Labor Disputes

8.06 Fire Procedures

8.07 Hazardous Material Incidents

8.08 Bomb Threats, Destructive Devices, Explosions

8.09 Media Relations

8.10 Guidelines for First Amendment Activities

JULY 20, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chamber, Room 505-2, at 850 Bryant, San Francisco from 4:45 p.m. to 5:40 p.m. in an Executive Session.

a. Public Employee Performance Evaluation
Resignation/Appointment
Position: Director, OCC
Classification No. 8128

b. Hyun Cho v. McLaughlin, et al
Municipal Court No. 097-345

c. Conference with Legal Counsel
Existing Litigation: Coming Up, Inc. v. CCSF, et al
Action No. C92-3714 DLJ

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

JULY 20, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chamber, Room 551, at 850 Bryant, San Francisco at 5:45 p.m. in a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low stated the discussed the Coming Up, Inc. v. CCSF and approved a settlement recommended by the City Attorney.

APPROVAL OF CONSENT CALENDAR

Commissioner Low stated the Commission has approved the settlement as discussed in Executive Session.

RESOLUTION NO. 76-94

HYUN CHO v. McLAUGHLIN, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Hyun Cho v. McLaughlin, et al" in Municipal Court No. 097-345 in the amount of $15,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: April 30, 1993

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 77-94

APPROVAL OF REPORT OF EXPENDITURES FROM THE CHIEF'S CONTINGENT FUND FOR THE MONTHS OF MARCH, APRIL, MAY AND JUNE, 1994

RESOLVED, that the Police Commission hereby approves the Report of Expenditures from the Chief's Contingent Fund for the months of March, April, May and June 1994.

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AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Hewlett discussed an incident in the San Francisco Bay in which Lt. McCarthy and other officers assigned to the police boat were involved in a rescue effort. She commends the officers for that rescue effort. She also discussed that patrolling the bay is a now a department responsibility and she asked that the department prepare a plan for patrol and asked the department to look into donations of boats for future police patrol.

Chief Ribera responded and stated that the FOB will take responsibility and that Commander Holder will oversee that endeavor.

Commander Holder then mentioned the actions of Commissioner Hewlett on the July 4th rescue in which she was aboard the police boat at the time of the rescue.

Commissioner Low announced meeting July 27th regarding further discussion on general orders and the use of pepper spray. He also stated there will be a meeting on August 3rd, 10th and 17th.

Commander Holder then advised the Commission that the pepper spray has been approved but will not be distributed until the orders regarding its usage are approved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera advised the Commission that on Monday, a half million dollars was deducted from the Police Department budget due to the recent raise and advised that there will be no delay in the academy.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Alfreda Porter, Director OCC, advised the Commission that she will be resigning effective July 27, 1994 for personal reasons. She thanked the Commission for their support during her tenure as director and has asked the staff for a work plan. She discussed problems regarding moving of the OCC office and stated the move has been delayed. She also stated the OCC is working with the department on an early warning plan.

Commissioner Low then thanked Director Porter and wished her best in her future endeavors.

Commissioner Low stated that Commissioner Rodriguez will remain liaison and will be involved in the procedure for seeking candidates for replacement of Director Porter.

Jill Tregor, Intergroup Clearinghouse, asked the Commission to allow community in search for new director. Commissioner Low stated that the Commission will seek community input.

DISCUSSION AND ACTION CONCERNING RESOLUTION ON FREEDOM OF THE PRESS

Put over until final settlement of the Coming Up, Inc., vs. CCSF case.

MOTION TO RECIND ACTION ON REVISED GENERAL ORDER NOS. 1.01 thru 4.02 FOR THE PURPOSE OF TAKING ADDITIONAL PUBLIC COMMENTS

Motion by Commissioner Hewlett, second by Commissioner Rodriguez to recind actions of July 20th on the approval of 1.40 thru 4.02 and to open discussion and comments to the public on these orders.

Roger Meyers, representing the Examiner, discussed concerns and recommendations regarding 3.16.

Diane Chin, Lawyers Committee, discussed Rule 2.07, recommends guidelines be added.

Neal Shapiro, attorney for the Chronicle, discussed concerns regarding 3.16.

John Crew, ACLU, discussed 3.16 as it pertains to juveniles and release of reports. City attorney to review.

Linda Ross, City Attorney, addressed regarding city attorney's opinions.

Tim Redman, manager of Bay Guardian, discussed closure and release of reports.

Barbara Attard, OCC, discussed Early Warning System, 3.19.

Motion by Commissioner Hewlett, second by Commissioner Rodriguez to approve 1.01 thru 4.02 with the exception of 2.08 and 3.16. Approved 5-0.

2.08 approved as amended, approved 5-0 after discussion with Bruce Kapsack, OCC attorney.

RESOLUTION NO. 78-94

APPROVAL OF MOTION TO RECIND ACTION ON REVISED GENERAL ORDER NOS. 1.01 THRU 4.02 FOR THE PURPOSE OF TAKING ADDITIONAL PUBLIC COMMENTS

RESOLVED, that the Police Commission hereby approves the motion to recind action on Revised General Order Nos. 1.01 thru 4.02 for the purpose of taking additional public comments.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 79-94

ADOPTION OF GENERAL ORDER NOS. 1.01 THRU 4.02

RESOLVED, that the Police Commission hereby approves the adoption of Revised General Order Nos. 1.01 thru 4.02 except for General Order 3.16 "Release of Public Records" which was put over for discussion and action for the meeting of July 27, 1994.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION ON REVISED GENERAL ORDER NOS. 5.01 THRU 8.10

Commissioner Feinstein discussed concerns and changed regarding use of force logs reporting in proposed G.O. 5.01.

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RESOLUTION NO. 80-94

ADOPTION OF GENERAL ORDER NOS. 5.04 THRU 5.10

RESOLVED, that the Police Commission hereby approves the adoption of Revised General Order Nos. 5.01 thru 5.10 except for General Order Nos. 5.01 and 5.03 which were put over to July 27, 1994. General Order Nos. 6.01 thru 6.20 were put over for discussion and action for the meeting of July 27, 1994. General Order Nos. 7.01 thru 8.10 were put over for discussion and action for the meeting of August 3, 1994.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

John Crew, ACLU, addressed the Commission regarding his concerns

Phil Ditto, president POA, addressed the Commission regarding his concerns.

John Crew, ACLU, discussed carotid restraints and asked for review of its use over the last ten years.

Lieutenant Springer discussed police use of the carotid restraint.

Motion by Commissioner Hewlett, second by Commissioner Feinstein to approve 5.01, except subsection N. General Order 5.02 approved, 5.03 put over July 27th, 5.04, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, approved. Section 6 put over to July 27th. Section 7 and 8 over to August 3rd.

PUBLIC COMMENTS

Virginia Conway discussed problems on Market Street in the evening. She also discussed medals of valor and the department should do away with them.

Peter Simmons discussed noise problem at the Motherload Bar.

Mr. Josek Kojella discussed taxi issues.

John Crew, ACLU, discussed performance appraisal guidelines.

Thereafter, the meeting was adjourned at 8:55 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION ~~MEETING~~
WEDNESDAY, JULY 27, 1994

EXECUTIVE SESSION

ROOM 505-2
4:30 p.m.

Attorney-Client Conference

a. Conference with Legal Counsel
Existing Litigation: Welsh vs. Ribera
(United States District Court)

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JULY 27, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion on Calendaring of New Matters
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion and Action on Proposed Use of Pepper Mace (Oleoresin Capsicum)
9. Discussion and Action on Revised General Order Nos. 2.08, 3.16, 5.01 and 5.03 for Purpose of Taking Additional Public Comment (See attached list for description)
10. Discussion and Action on Revised General Order Nos. 6.01 thru 6.20 (See attached list for description)
11. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

The Police Commission

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Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JULY 27, 1994

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Two (2) Vehicles from San Francisco Taxicab Association for the San Francisco Police Taxicab Detail

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

GENERAL ORDERS

Rules of Conduct

2.08 Peace Officers' Rights

Administration

3.16 Release of Public Records

Enforcement and Legal Aspects

5.01 Use of Force

5.03 Investigative Detentions

Investigations

6.01 Crime Scene Log

6.02 Physical Evidence

6.03 Underwater Recovery Unit

6.04 Assaults on Police Officers

6.05 Death Cases

6.06 Tarasoff Incidents

6.07 Dog Complaints

6.09 Domestic Violence

6.10 Missing Persons

6.11 Obstruction of Streets and Sidewalks

6.12 Arrests of Persons on Parole or Probation

6.13 Prejudice-Based Incidents

6.14 Psychological Evaluation of Adults

6.15 Property Processing

6.16 Sexual Assaults

6.17 Taxicab Regulations

6.18 Warrant Arrests

6.19 Victim of Violent Crime Notification

6.20 Aggressive Soliciting

JULY 27, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chamber, Room 505-2, at 850 Bryant, from 4:40 p.m. to 5:25 p.m. in an Executive Session.

a. Conference with Legal Counsel
Existing Litigation: Welsh vs. Ribera
(U.S. District Court)

PRESENT: Commissioners Feinstein, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

JULY 27, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chamber, Room 551, at 850 Bryant, at 5:30 p.m. in a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

Commissioner Hewlett stated that Commissioner Low would be arriving late.

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Motion by Commissioner Feinstein, second by Commissioner Rodriguez.

Commission met at Executive Session and unanimously voted to appear the decision of the judge regarding Welsh v. Ribera.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 81-94

APPROVAL TO ACCEPT TWO VEHICLES FROM THE SAN FRANCISCO TAXICAB ASSOCIATION FOR THE SAN FRANCISCO POLICE TAXICAB DETAIL

WHEREAS, the Taxi Detail of the Police Department is in need of vehicles to carry out their duties with respect to regulation of Taxi Permits; and

WHEREAS, the San Francisco Taxicab Association has generously offered to donate two (2) vehicles valued at a total of three thousand ($3,000.00) dollars; and

WHEREAS, this civic minded gesture will enable the Police Department to more effectively serve the citizens of San Francisco; and

WHEREAS, Section 10.116 of the San Francisco Administration Code allows for the acceptance of gifts by the Department head of those gifts to the City and County of San Francisco of a value of five thousand ($5,000.00) dollars or less; and

WHEREAS, it is necessary for a resolution by the Police Commission to authorize the acceptance of such gifts; now therefore be it

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RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, a gift of two (2) vehicles from the San Francisco Taxicab Association for use of the Police Department's Taxi Detail.

AYES: Commissioners Feinstein, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

POLICE COMMISSION REPORT

Commissioner Feinstein discussed pepper spray and also recent cases regarding positional asphyxia. She discussed bulletins relating to the situation.

Chief Ribera stated he will review and report back to the Commission. He also discussed the Wheeler v. The Police Commission and Commissioner Hewlett stated the matter will be scheduled for executive session after the general orders are taken cared of.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed My Favorite Copy Award luncheon that was held July 27 and stated it was the two year anniversary of the program and that things are working well.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, Acting Director OCC, asked that the second quarter statistics be calendared for the next meeting for public discussion.

DISCUSSION AND ACTION ON PROPOSED USE OF PEPPER MACE (OLEORESIN CAPSICUM)

Commissioner Hewlett stated that if pepper spray is approved that it should not be used until general order is issued regarding its use.

Lieutenant Jim Hall, Southern Station, then presented information regarding pepper spray training, how it worked and that the department presently has eight Post certified instructors who are ready to train immediately if approved.

Commissioner Hewlett discussed concerns regarding training if the use is approve and Lt. Hall stated that it will not be issued or used until the entire department is trained. The department would then track the use and the results of its used and report back to the Commission when desired.

Commander Holder stated the department met with John Crew of the ACLU and the ACLU is not opposed to pepper spray.

John Crew, ACLU, then addressed and stated same. he also talked of recent history of pepper spray use by other departments and the public.

Further discussion regarding the usage of pepper spray in the trial period and John Crew also discussed the use of the spray and positional aphyxia.

Discussion followed regarding policy language and John Crew suggested that all reports involving use will be reviewed by the department and that the Commission should require monthly reports on the use and that after one year, report regarding the results of its used and he also discussed that water treatment as soon as possible on the victim after use.

Officer Clifford Java discussed an incident involving used of pepper spray.

Motion by Commissioner Feinstein, second by Commissioner Rodriguez. Use of pepper spray approved 4-0 and Commissioner Hewlett asked that a general order on its proposed use be prepared by Friday.

RESOLUTION NO. 82-94

APPROVAL OF PROPOSED USE OF PEPPER MACE (OLEORESIN CAPSICUM)

RESOLVED, that the Police Commission hereby approves proposed use of Pepper Mace (Oleoresin Capsicum) subject to adoption of General Orders relating to use.

AYES: Commissioners Feinstein, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

DISCUSSION AND ACTION ON REVISED GENERAL ORDER NOS. 2.08, 3.16, 5.01 AND 5.03 FOR PURPOSE OF TAKING ADDITIONAL PUBLIC COMMENTS

General Order 2.08 was approved. Commissioner Hewlett stated G.O. 2.08 was approved at the meeting of July 27th. She also stated communications received at 4:20 p.m. today and has not had time to review. 3.16 put over to August 10th.

John Crew, ACLU, addressed concerns of 3.16 regarding juvenile records and reports.

Elizabeth Pritzke, attorney Sunshine Ordinance Task Force, addressed the Commission.

Bruce Bergman, Bay Guardian, addressed the Commission regarding suggested changes.

Roger Meyers, attorney for the Examiner, addressed concerns regarding 3.16.

General Orders 5.01, 5.03 continued to August 3rd.

Chief Ribera further discussed officers who have observed force and their obligation to report.

General Order 6.13 over to August 3rd. 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.09, 6.10, 6.11, 6.12, 6.14 approved. General Order 6.13 over to August 3rd.

Commissioner Low arrived at 6:50 p.m.

General Orders 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, all approved 5-0.

Commissioner Hewlett stated 5.01 to 5.03, 6.13, over to August 3rd. 3.16 to August 10th. Sections 6, 7 and 8 over to the meeting of August 3rd.

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RESOLUTION NO. 83-94

ADOPTION OF REVISED GENERAL ORDER NO. 2.08

RESOLVED, that the Police Commission hereby approves the adoption of Revised General Order No. 2.08. General Order 3.16 "Release of Public Records" was put over for discussion and action for the meeting of August 10, 1994. General Order Nos. 5.01 and 5.03 was put over for discussion and action for the meeting of August 3, 1994.

AYES: Commissioners Feinstein, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

ADOPTION OF REVISED GENERAL ORDER NOS. 6.01 THRU 6.20

RESOLVED, the that the Police Commission hereby approves the adoption of Revised General Order Nos. 6.02 thru 6.20 except for General Order No. 6.13 which was put over for discussion and action for the meeting of August 3, 1994.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS

John Crew, ACLU, discussed performance evaluation order. Commissioner Feinstein is to look at the performance evaluation and to report back to the Commission.

Virginia Conway discussed pets of the persons arrested and her concerns.

Thereafter, the meeting was adjourned at 7:25 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 3, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

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1. Pledge of Allegiance

2. Roll Call

3. Approval of Consent Calendar

4. Police Commission Report
   a. Notification of Resignation of Officer Charles L. Wilkerson

5. Chief's Report to the Police Commission

6. OCC Director's Report to the Police Commission

7. Presentation and Discussion of OCC 1994 Statistical Report Second Quarter

8. Request of Officer George Paganucci for Review of the Disability Evaluation Committee's Findings and Recommendation

9. Discussion and Action on Revised General Order Nos. 6.13, 5.01 and 5.03 for Purpose of Taking Additional Public Comment (See attached list for description)

10. Discussion and Action on Revised General Order Nos. 7.01 and 7.02, 8.01 thru 8.10 (See attached list for description)

11. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 3, 1994

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of 1979 Dodge Van for Use of the Explosive Ordinance Disposal Unit

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

ATTACHMENT

Enforcement and Legal Aspects

5.01 Use of Force

5.03 Investigative Detentions

Investigations

6.13 Prejudice-Based Incidents

Juvenile

7.01 Juvenile Policies and Procedures

7.02 Psychological Evaluation of Juveniles

Critical Incidents

8.01 Critical Incident Evaluation and Notification

8.02 Hostage and Barricaded Suspect Incidents

8.03 Crowd Control

8.04 Traumatic Incident Response Team

8.05 Labor Disputes

8.06 Fire Procedures

8.07 Hazardous Material Incidents

8.08 Bomb Threats, Destructive Devices, Explosions

8.09 Media Relation

8.10 Guidelines for First Amendment Activities

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AUGUST 3, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant, San Francisco, at 5:50 p.m. in a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 85-94

APPROVAL TO ACCEPT DONATION OF 1979 DODGE VAN FOR USE OF THE EXPLOSIVE ORDINANCE DISPOSAL UNIT

WHEREAS, the Headquarters Company is in need of an expendable vehicle to use for training; and

WHEREAS, Inspector Stephen Lundberg owns a 1979 Dodge Van; and

WHEREAS, Inspector Lundberg has made a generous offer to donate his 1979 Dodge Van valued at $1,000.00; therefore, be it

RESOLVED, that the Police Commission hereby approves the acceptance of a gift of a 1979 Dodge Van, valued at $1,000.00 from Inspector Stephen Lundberg for use by Headquarters Company for training.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

a. Notification of Resignation of Officer Charles L. Wilkerson

Commissioner Low announced use of force and pepper spray are calendared for August 10th. He also announced there will be no meeting on the 31st or September 7th.

Commissioner Hewlett asked that General Order 5.01, Use of Force, In Reporting Use of Force, 5.03 over to August 17th. The matter of Wheeler v. the Police Commission over to September 14th. General Order 3.16 will be considered August 10th. Commissioner Hewlett asked that 8.09 be put over to August 17th.

Commissioner Low announced that 4.a. resignation of Charles Wilkerson, has been received and matter taken off calendar.

RESOLUTION NO. 86-94

HEARING OF OFFICER CHARLES L. WILKERSON, POTRERO STATION

WHEREAS, on April 5, 1994, Anthony D. Ribera, Chief of Police, made and served charges against Police Officer Charles L. Wilkerson, Potrero Station, as follows:

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SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Possessing or using controlled substances as defined under the California Uniform Controlled Substances Act without a valid prescription (violating of Rule III, subsection C, of General Order D-18 of the San Francisco Police Department);

and

WHEREAS, the Police Commission set Wednesday, August 3, 1994, as the date for the hearing on charges filed against Officer Wilkerson; and

WHEREAS, Chief of Police Anthony D. Ribera announced that the Police Department was in receipt of the resignation of Police Officer Charles L. Wilkerson from the San Francisco Police Department, said resignation effective close of business June 23, 1994, which resignation was accepted with the condition that the services of Officer Wilkerson have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Charles L. Wilkerson, be, and the same are hereby continued off calendar.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera stated there was no report and thanks the Commission for their support at the Board of Supervisors.

Commissioner Low announced that John Parker has been appointed Acting Director of the OCC until a permanent director can be appointed. Commissioner Low then described the process in which the Commission will use for seeking applicants for permanent director. He also stated that the Commission will ask the help of a committee. Final selection will be by the Commission and Commissioner Rodriguez will be coordinating this process.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, OCC, discussed MOU of the POA regarding openness and that the matter be calendared August 10th and presented the second quarter statistics.

John Crew, ACLU, discussed concerns regarding not acting on cases on a timely fashion in completing cases and the lack of discipline. Commissioner Feinstein then addressed these concerns. Mr. Crew then told the Commission he looked into the matter and report back within 30 days.j

Commissioner Feinstein, as liaison with the Chief, to review and look into delays and disciplines.

Commissioner Hewlett suggested a summary report may be permitted to be released regarding these cases.

REQUEST OF OFFICER GEORGE PAGANUCCI FOR REVIEW OF THE DISABILITY EVALUATION COMMITTEE'S FINDINGS AND RECOMMENDATIONS

Mike Hebel, from the POA, represented Officer Paganucci. Mike Hebel asked the POA to seek recommendation for disability retirement and that the matter be sent back to the duty evaluation committee and that the matter should proceed under agreed policy negotiated earlier and that the matter is in the hands of city attorney presently.

Chief Reed responded regarding the effect of the ADA on the policy and the city attorney is reviewing.

Matter then referred back to the duty evaluation committee.

Commissioner Rodriguez then thanked Captain Hebel, who is now retired, for his services during his tenure with the department.

DISCUSSION AND ACTION ON REVISED GENERAL ORDER NOS. 6.13, 5.01, AND 5.03 FOR PURPOSE OF TAKING ADDITIONAL PUBLIC COMMENTS

Commissioner Low discussed Policy Recommendations and Bilingual Miranda Rights cards.

OCC Policy Recommendations were then calendared for discussion and action for the meeting of August 17th.

General Order 5.01, August 10th, for discussion and action regarding pepper spray. General Order 6.13 approved 5-0. General Orders 7.01, 7.02, 8.01, 8.02, 8.03, 8.04, 8.06, 8.07, 8.08 and 8.10 approved. 8.05 , 8.09 continued to August 17th. General Order sections 9, 10 and 11 are calendared for August 10th.

RESOLUTION NO. 87-94

ADOPTION OF REVISED GENERAL ORDER NO. 6.13

RESOLVED, that the Police Commission hereby approves the adoption of Revised General Order No. 6.13 "Prejudice-Based Incidents". General Order Nos. 5.01 and 5.03 were put over for discussion and action for the meeting of August 17, 1994.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

ADOPTION OF REVISED GENERAL ORDER NOS. 7.01 AND 7.02, 8.01 THRU 8.10

RESOVED, the that the Police Commission hereby approves the adoption of Revised General Order Nos. 7.01 and 7.02 and General Order Nos. 8.01 thru 8.10 except for General Order Nos. 8.05 and 8.09 which were put over for discussion and action for the meeting of August 17, 1994.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

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PUBLIC COMMENTS

Mr. Felix addressed the Commission regarding a noise complaint near his residence this past weekend.

Chief Ribera will look into the matter and respond.

Dorothy Lawrence inquired regarding district meeting in the Potrero District and is advised the meeting is calendared for October in the Potrero District.

Virginia Conway discussed her concerns regarding officers and availability of the masks fires. She also discussed the cleaning of the Haight Street area.

Thereafter, the meeting was adjourned at 7:30 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 10, 1994

EXECUTIVE SESSION

ROOM 505-2
5:15 p.m.

Attorney-Client Conference

a. Pending Litigation
Wheeler vs. Police Commission
Superior Court #926973

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 10, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion on Calendaring New Matters
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion and Action re: Marine Patrol Unit
9. Request of the Chief of Police to Apply for, Accept and Expend Funds from the Administration of Children, Youth, and Families under the Department of Health and Human Services to Conduct the Youth Gangs Drug Prevention Program
10. Request of the Chief of Police for Approval of Transfer of Patrol Beat Nos. 6, 28, and 41 from Patrol Special Officer Anthony R. Torres, Jr., to Patrol Special Officer Robert Hart
11. Request from the Chief of Police Authorizing Fee of $150.00 for Towing of Vehicles Pursuant to Traffic Code Section 170.2A
12. Discussion and Action on Revised General Order No. 5.01, Subsection I "Use of Liquid Chemical Agent (Mace/Oleoresin Capsicum) to Accomplish Custody"
13. Discussion and Action on Revised General Order No. 3.16 - "Release of Police Reports"

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

Low Rodriguez

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS continued
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 10, 1994

14. Discussion and Action on Revised General Order Nos. 9.01 thru 9.06, 10.01 thru 10.10 and 11.01 thru 11.10 (See attached list for description)

15. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of Two (2) San Francisco Forty Niner Season Tickets

2. Request of the Auto Detail for Approval to Use a Mazda RX-7 Owned by the 20th Century Insurance Company

ATTACHMENT

Traffic

9.01 Traffic Enforcement

9.02 Vehicle Accidents

9.03 Mandatory Blood Tests for Drivers Under the Influence

9.04 Seat Belt Policy

9.05 Traffic Citation Control

9.06 Vehicle Tows

Uniform and Equipment

10.01 Uniform and Equipment Classes

10.02 Equipment

10.03 Helmet Identification

10.04 PIC Radios

10.05 Weapons and Protective Equipment Inspection

10.06 Uniform and Equipment Issuance and Replacement

10.07 Use of Cellular Phones

10.08 Use of Computers

10.09 Computer Management Committee

10.10 Motor Fleet

Personnel

11.01 Personnel Compensation

11.02 Secondary Employment

11.03 Jury Duty

11.04 Peer Support Program

11.05 Qualifications for Specific Units

11.06 Personnel Transfers

11.07 Discrimination and Harassment

11.08 Grooming Standards

11.09 Employee Assistance Program/Stress Unit

11.10 Limited Duty Policy

AUGUST 10, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chamber, Room 505-2, at 850 Bryant, from 5:15 p.m. to 5:55 in an Executive Session.

a. Pending Litigation
Wheeler vs. Police Commission
Superior Court #926973

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

AUGUST 10, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chamber, Room 551, at 850 Bryant, at 6:00 p.m. in a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Motion by Commissioner Hewlett, second by Commissioner Feinstein to disclose Wheeler litigation is calendared for September 14th. Also asked that the matter of Captain Cairns' investigation be calendared for Executive Session August 17th.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 89-94

APPROVAL TO ACCEPT DONATION OF TWO (2) SAN FRANCISCO FORTY NINERS SEASON TICKETS

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept two (2) San Francisco Forty Niners season tickets.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 90-94

APPROVAL OF THE REQUEST OF AUTO DETAIL TO USE A MAZDA RX-7 OWNED BY THE 20th CENTURY INSURANCE COMPANY

RESOLVED, that the Police Commission hereby approves the request of the Auto Detail to use a 1985 Mazda RX-7 sports coupe, VIN #J1FB3328F0865522 for use by the Auto Detail as an undercover vehicle.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Judge Low announced General Orders 5.03, 8.05 and 8.09 calendared August 17th. General Order 5.01 calendared for August 24th and the decision regarding Sergeant Joseph Weatherman will be calendared for August 24th.

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CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera then discussed crime rate on the Muni and he stated he is putting together a plan which will be presented to the Commission at the next meeting.

Commissioner Feinstein then discussed recent robberies in the Richmond District and the arrests of the three persons responsible for same. She commended the department for the swift response in their actions and apprehension of the suspects.

Chief Ribera then informed the Commission about the recent appointments of Captains Otten, Dower and Portoni have been complemented for their efforts since they have been appointed captains.

Commissioner Rodriguez then stated the OCC announcement he has regarding director's position are being prepared and will be sent in the near future.

DISCUSSION AND ACTION RE: MARINE PATROL UNIT

Sergeant Dan Greely briefed the Commission and informed them that the department has a 27 foot power boat which was loaned to them complete with radar and radio equipment. The department is now responsible for enforcing law on the bay and will work with customs and coast guards. He asked the Commission to enforce the police boat.

Commander Mike O'Brien, of the Coast guards, addressed the Commission regarding responsibilities and role of the Coast guards presently and staffing and resources and because of the budget can not enforce state or local statutes. The Coast guards will continue in the bay and welcomes the police boats on the waters.

Commissioner Feinstein discussed her concerns regarding staffing, fuel, special events, education regarding enforcements and training and Commander Holder stated that the police boat will work approximately four days a week.

Motion by Commissioner Hewlett, second by Commissioner Feinstein to accept recommendation of the Chief and establish a Marine Patrol Unit which will function immediately. Matter approved 5-0.

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE ADMINISTRATION OF CHILDREN, YOUTH, AND FAMILIES UNDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONDUCT THE YOUTH GANGS DRUG PREVENTION PROGRAM

Inspector Mike Jeffries, Juvenile Division, described the grant to the Commission. Motion by Commissioner Hewlett, second by Commissioner Feinstein. Grant Approved 5-0.

RESOLUTION NO. 91-94

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE ADMINISTRATION OF CHILDREN, YOUTH AND FAMILIES UNDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONDUCT THE YOUTH GANGS DRUG PREVENTION PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the Administration of Children, Youth and Families to be used to conduct the Youth Gangs Drug Prevention Program, as follows:

$100,000.00 For the purpose of conducting the Youth Gangs Drug Prevention Program

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 92-94

APPROVAL OF TRANSFER OF PATROL BEAT NOS. 6, 28, AND 41 FROM PATROL SPECIAL OFFICER ARTHUR R. TORRES, JR., TO PATROL SPECIAL OFFICER ROBERT HART

WHEREAS, Patrol Special Officer Arthur R. Torres, Jr., has requested permission to sell and transfer Patrol Special Beat Nos. 6, 28, and 41 to Patrol Special Officer Robert J. Hart; and

WHEREAS, Patrol Special Officer Arthur R. Torres, Jr., and Patrol Special Officer Robert J. Hart have entered into an agreement for the transfer of Beat Nos. 6, 28, and 41; and

WHEREAS, all requirements of Rule 1.53 of the current Rules and Procedures of Patrol Special Officers have been met; and

WHEREAS, Robert J. Hart is currently an active Patrol Special Officer in good standing, now therefore be it;

RESOLVED, that ownership of Patrol Special Beat Nos. 6, 28, and 41 are transferred from Arthur R. Torres, Jr., to Robert J. Hart, and be it also

RESOLVED, that having transferred all of his Patrol Special beats, Arthur R. Torres, Jr.'s status as a Patrol Special Officer is revoked.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

REQUEST OF THE CHIEF OF POLICE AUTHORIZING FEE OF $150.00 FOR TOWING OF VEHICLES PURSUANT TO TRAFFIC CODE SECTION 170.2A

Motion by Commissioner Friday, second by Commissioner Hewlett. Approved 5-0.

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RESOLUTION NO. 93-94

APPROVAL TO REQUEST THE BOARD OF SUPERVISORS TO AUTHORIZE THE CHIEF OF POLICE TO ESTABLISH A FEE OF $150.00 FOR TOWING OF VEHICLES PURSUANT TO TRAFFIC CODE SECTION 170.2A

RESOLVED, that the Police Commission requests the Board of Supervisors to authorized the Chief of Police to establish a fee of $150.00 for towing of vehicles pursuant to Traffic Code Section 170.2A.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION ON REVISED GENERAL ORDER NO. 5.01, SUBSECTION I, "USE OF LIQUID CHEMICAL AGENT (MACE/OLEORESIN CAPSICUM) TO ACCOMPLISH CUSTODY"

John Crew, ACLU, addressed the Commission. After discussion, motion by Commissioner Hewlett, second by Commissioner Feinstein to approved General Order 5.01, section I only.

Lieutenant Hall addressed the Commission and discussed its use would be included in the Use of Force Log and review on a yearly basis.

Chief Ribera stated if any problems were to occur, he will report those to the Commission immediately.

RESOLUTION NO. 94-94

ADOPTION OF REVISED GENERAL ORDER NO. 5.01, SUBSECTION I "USE OF LIQUID CHEMICAL AGENT (MACE/OLEORESIN CAPSICUM) TO ACCOMPLISH CUSTODY"

RESOLVED, that the Police Commission hereby approves the adoption of Revised General Order No. 5.01, Subsection I, "Use of Liquid Chemical Agent (Mace/Oleoresin Capsicum) to Accomplish Custody"

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION ON REVISED GENERAL ORDER NO. 3.16, "RELEASE OF POLICE REPORTS"

Roger Meyers, attorney for the Examiner, supports the August 9th revision, supports the changes and thanked those who worked on the changes. He then asked the Commission to make a stronger statement in section II.A.

Commissioner Hewlett discussed the standing juvenile order and suggest a letter be directed to Judge Hutchins, Juvenile Court, who issued the order regarding juvenile records.

John Crew, ACLU, discussed his concerns regarding release of reports concerning juveniles.

Linda Ross, City Attorney's Office, addressed her concern regarding juveniles.

Motion by Commissioner Hewlett, second by Commissioner Feinstein to adopt 3.16 as modified dated August 9th, except section II.A.9 which will be calendared next week.

RESOLUTION NO. 95-94

ADOPTION OF REVISED GENERAL ORDER NO. 3.16 "RELEASE OF POLICE REPORTS

RESOLVED, the that the Police Commission hereby approves the adoption of Revised General Order No. 3.16 "Release of Police Reports" except for Section II.A.9 which was put over for discussion and action for a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION ON REVISED GENERAL ORDER NOS. 9.01 THRU 9.06, 10.01 THRU 10.10 AND 11.01 THRU 11.10

General Order 11.10 is withdrawn from this request by Officer Ackerson. General Order 11.01 over to August 17th. General Orders 11.02, 11.03, 11.04, 11.05, 11.06, 11.07, 11.08, 11.09 approved.

RESOLUTION NO. 96-94

ADOPTION OF REVISED GENERAL ORDER NOS. 9.01 THRU 9.06, 10.01 THRU 10.10 AND 11.01 THRU 11.10

RESOLVED, that the Police Commission hereby approves the adoption of Revised General Order Nos. 9.01 thru 9.06, 10.01 thru 10.10 and 11.02 thru 11.09. General Order No. 11.01, "Personnel Compensation was put over for discussion and action for the meeting of August 17, 1994 and General Order 11.10, "Limited Duty Policy" was withdrawn and taken off calendar.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS

John Crew, ACLU, discussed pending disciplinary cases and the case of Louise Vaughn of April 29, 1991 and also the result of that complaint. He discussed litigation action of the sergeant involved and asked that the Commission look into the matter.

Louise Vaughn then discussed the case with the Commission and further discussed her concerns regarding harassment by guards at the Geneva Towers.

Thereafter, the meeting was adjourned at 7:40 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 17, 1994

EXECUTIVE SESSION

ROOM 505-2
4:30 p.m.

Public Employee Performance Evaluation
Captain Richard Cairns

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 17, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion on Calendaring New Matters
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion and Action re: OCC Policy Recommendations
9. Discussion and Action re: OCC Openness Report Format
10. Presentation Re: Senior Services Plan Task Force
11. Discussion and Action re: FOB General Order 91-01, "Department Policy on Political Demonstrations"
12. Request of the Chief of Police for Appointment of a Hearing Officer for Public Convenience and Necessity Hearings for Taxicabs
13. Discussion and Action on Revised General Order 5.03, "Investigative Detentions"
14. Discussion and Action on Revised General Order 8.05, "Labor Disputes"

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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CALENDAR OF PROCEEDINGS continued
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 17, 1994

15. Discussion and Action on Revised General Order 3.16, Subsection II.A.9

16. Discussion and Action on Revised General Order 8.09, "Media Relations"

17. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

18. Hearing on Charges Filed Against Officer Kent D. Dalrymple, Solos (File No. C34-255 JWA)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval of Taxicab Owners Permit for Mr. Gary Wood

2. Request of the Chief of Police for Approval of Taxicab Owners Permit for Mr. James Mitchell

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

Minutes

AUGUST 17, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chamber, Room 505-2, at 850 Bryant, from 4:30 p.m. to 5:55 in an Executive Session.

Public Employee Performance Evaluation
Captain Richard Cairns

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

AUGUST 17, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chamber, Room 551, at 850 Bryant, at 6:00 p.m. in a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low stated that the Commission met in Executive Session and discussed the Cairns' investigation and that it has not bee completed and hope to have the information by Friday. The Commission will review and call another Executive Session. Commissioner Low will meet with the Chief and announce next Wednesday that the investigation is continuing.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Approved 5-0.

RESOLUTION NO. 97-94

TAXICAB PERMIT APPLICATION OF GARY WOOD

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefore; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 6, 1993, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Gary Wood, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Mr. Gary Wood.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 98-94

TAXICAB PERMIT APPLICATION OF JAMES MITCHELL

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefore; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 6, 1993, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that James Mitchell, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Mr. James Mitchell.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low announced that the next meeting will be on the 24th and no meetings August 31st or September 7th. Next regular meeting after that is September 14th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera announced that there will be a press conference at 10:00 a.m. regarding the Crime Control Bill. He discussed crime statistics and stated that May Lon Sam, Consent Decree Coordinator, has submitted her resignation and will be replaced by Julia Gonzales from the Department of Human Resources. He discussed the increase in crime on the Muni and introduced Captain Richard Hesselroth who is the new commanding officer of that unit. He said approximately 50 officers will be assigned to that unit in September to combat the problems.

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Chief Ribera then discussed the Traffic Enforcement Program and discussed reduction in accidents.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, OCC, discussed pending cases at OCC and stated that presently 25 cases are missing and he is initiating a search to attempt to locate these cases. He stated that if the folders can not be located to every situations, he will be attempting to contact the original complainant to rebuild the cases.

DISCUSSION AND ACTION RE: OCC POLICY RECOMMENDATIONS

Put over to a later date. Will be recalendared when notified by OCC.

DISCUSSION AND ACTION RE: OCC OPENNESS REPORT FORMAT

Recalendared for the next week. Commissioner Hewlett stated that the City Attorney has reviewed the Openness Report format. Linda Ross stated she would like to review further and has some concerns regarding confidentiality and would like to talked to the OCC regarding minor changes in the format.

John Crew, ACLU, then addressed the Commission regarding disposition of the cases and no identifications.

Steve Johnson, POA, then addressed the POA's concerns findings are entered on the form.

PRESENTATION RE: SENIOR SERVICES PLAN TASK FORCE

Captain Hoenisch, Personnel, gave a history of the Senior Services Task Force, their concerns for public safety and quality of life issues. He then introduced Mr. John Blumlein who described the plan and the concept and stated he has met with various departments and Mr. Dale Martin talked of safety and security issues and stated that information centers will be established within the city at various locations.

Commissioner Hewlett then commended the Sr. Services Task Force for their report. Motion by Commissioner Hewlett, second by Commissioner Feinstein. Matter Approved to adopt the concept of the Sr. Services Task Force report.

RESOLUTION NO. 99-94

ADOPTION OF CONCEPT OF SENIOR SERVICES PLAN TASK FORCE REPORT

WHEREAS, the 21-member San Francisco Senior Services Plan Task Force, created by the board of Supervisors in 1992 and including seven City Departments providing services to seniors, has developed a Strategic Plan for the future; and

WHEREAS, the Senior Services Plan Task Force has convened a series of public hearing in five neighborhoods and will appear before seven City Commissions; and

WHEREAS, the planning process was a collaborative effort with seniors, service providers, advocates, and City Departments to assure older San Franciscans will have access to a continuum of services; therefore be it

RESOLVED, that the Police Department and the Police Commission support the concepts in the proposed Plan, which will promote and work towards an integrated, coordinated, consumer-oriented system of senior services.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION RE: FOB GENERAL ORDER 91-01, "DEPARTMENT POLICY ON POLITICAL DEMONSTRATIONS"

After discussion by Deputy Chief Petrini and John Crew, Commission approved 5-0.

RESOLUTION NO. 100-94

ADOPTION OF REVISED FOB GENERAL ORDER 91-01, "DEPARTMENT POLICY ON POLITICAL DEMONSTRATIONS"

RESOLVED, that the Police Commission hereby adopts revised FOB General Order 91-01, "Department Policy on Political Demonstrations".

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 101-94

APPOINTMENT OF A HEARING OFFICER FOR PUBLIC CONVENIENCE AND NECESSITY HEARINGS FOR TAXICABS

WHEREAS, the appointment of a Hearing Officer for Public Convenience and Necessity Hearings was called, it being requested by the Chief of Police; and

WHEREAS, Captain Michael Yalon was appointed by the Chief of Police as Hearing Officer; therefore be it

RESOLVED, that the Police Commission unanimously approves the appointment of Captain Michael Yalon as Hearing Officer for Public Convenience and Necessity Hearings.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION ON REVISED GENERAL ORDER 5.03, "INVESTIGATIVE DETENTIONS"

John Crew, ACLU, addressed the Commission. Motion by Commissioner Hewlett, second by Commissioner Feinstein. Moved to adopted General Order 5.03.

City Attorney to work with the ACLU regarding this matter.

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RESOLUTION NO. 102-94

ADOPTION OF REVISED GENERAL ORDER NO. 5.03, "INVESTIGATIVE DETENTIONS"

RESOLVED, that the Police Commission hereby approves the adoption of Revised General Order No. 5.03, "Investigative Detentions."

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION ON REVISED GENERAL ORDER 8.05, "LABOR DISPUTES"

Lieutenant Pecinovsky, Legal, stated he met with representatives of Local 2 and discussed arrest and labor disputes and asked the matter be put over one week.

Commissioner Low stated a letter to Judge Hitchins has been drafted and given to Commissioner Hewlett for review and if approved, City Attorney Linda Ross, will forward to Judge Hitchins. Matter put over until a response is received.

DISCUSSION AND ACTION ON REVISED GENERAL ORDER 3.16, SUBSECTION II.A.9

Put over one week.

DISCUSSION AND ACTION ON REVISED GENERAL ORDER 8.09, "MEDIA RELATIONS"

Rae Puccinelli, Legal, suggested matter be put over one week for review and minor changes.

PUBLIC COMMENTS

No public comments.

HEARING OF POLICE OFFICER KENT D. DALRYMPLE, TRAFFIC DIVISION

The hearing of Police Officer Kent D. Dalrymple, Traffic Division, was called it having been set for this date. Officer Dalrymple was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the Department and/or reflects discredit on the Department in violation of Rules A-1 and A-9 of General Order D-1 of the San Francisco Police Department;

in a properly verified complaint by Anthony Ribera, Chief of Police of the San Francisco Police Department.

Officer Kent Dalrymple appeared in person and was represented by Mr. Ray Roberts, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Roberts entered a plea of no contest on behalf of Officer Dalrymple. Officer Dalrymple personally affirmed entry of a no contest plea in this matter.

The Police Commission unanimously approved and accepted the plea of no contest from Officer Dalrymple.

Based on those findings, the Commission requested a recommendation from Chief of Police Anthony Ribera. The following recommendations were made by the Chief of Police:

SPECIFICATION NO. 1

Sustained - Termination, held in abeyance for three (3) years on the following terms:

(1) A thirty (30) day suspension shall be imposed;

(2) A punitive transfer from the solo motorcycle unit shall be imposed;

(3) For a period of one year, Officer Dalrymple shall engage in weekly psychotherapy at Officer Dalrymple's expense; Lt. Alan Benner, the department's psychologist, has approved of and spoken with the current treating psychiatrist; Officer Dalrymple shall execute releases as required to permit his psychiatrist or psychologist to cooperate with the SFPD psychologist in assessing Officer Dalrymple's fitness to return to full duty;

(4) Lt. Al Benner will be the liaison between the Department and Officer Dalyrmple's treating psychiatrist or psychologist. Lt. Benner's preliminary undertaking shall be to certify the integrity of the Health Care Giver and the proposed treatment as satisfactory for Commission purposes in this matter. This preliminary determination shall apply to any successor therapist. Lt. Benner in this matter shall through the Psychiatrist (a) Monitor Officer Dalrymple's attendance at sessions with the psychiatrist. (b) Monitor Officer Dalrymple's progress and cooperation with the psychiatrist. (c) Confer with Officer Dalrymple regarding his progress and current status. (d) Report to the Commission regarding the matter. Lt. Benner shall ultimately advise the Commission regarding this matter and prescribe for Officer Dalrymple the appropriate term for therapy, i.e., whether it should be the one year term or a shorter term or an extended term as it shall appear to Lt. Benner during the course of the undertaking.

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(5) Officer Dalrymple is to stay away from the Cala Foods Store at 27th Avenue and Geary Boulevard. If, while on duty, in any capacity, Officer Dalrymple receives a dispatched call to respond to that location, Officer Dalrymple shall respond only if the call is an "A" priority call and no other units are available to hand the call; (6) Officer Dalrymple is ordered not to contact, in any manner, any person employed by Cala Foods who is either currently or was previously associated with the Cala Foods Store located at 27th Avenue and Geary Boulevard, San Francisco;

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 103-94

DECISION - HEARING OF OFFICER KENT D. DALRYMPLE, TRAFFIC DIVISION

WHEREAS, on June 16, 1994, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Officer Kent D. Dalrymple as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the Department and/or reflects discredit on the Department in violation of Rules A-1 and A-9 of General Order D-1 of the San Francisco Police Department;

(1) At all times herein mentioned, Officer Kent Dalrymple, Star Number 590 (hereinafter referred to as "the Accused"), was and is a Q-2 police officer, employed by the San Francisco Police Department, assigned to the Solo Motorcycle Unit of the Traffic Division;

(2) As a police officer, the Accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On several occasions, more than six, on various dates and at various times in late 1993 and early 1994, the accused while in uniform and on duty rode his department motorcycle to the Cala Foods Store at 27th Avenue and Geary Boulevard in the City and County of San Francisco, State of California;

(4) On those several occasions, at various dates and times in late 1993 and early 1994, the accused entered the store and while inside the Cala Foods Store located at 27th Avenue and Geary Boulevard, the accused removed items of packaged food, pet food and household items from the store shelves, secreted the items in his motorcycle jacket; the accused then purchased and paid for some other small

item of merchandise, e.g.. a soft drink or a candy bar, and left the store with the other items secreted inside his motorcycle jacket;

(5) On some of these occasions, the accused was observed placing items he had secreted on his person and taken from the store without purchasing, in the storage bags on the department motorcycle parked in the store parking lot; the accused was then observed to leave the premises; there was no agreement between the accused and the owners or management of the Cala Foods Store at 27th Avenue and Geary Boulevard which gave the accused permission to remove items from the store without paying for them;

(6) California Penal Code Section 484 provides in pertinent part:

"(a) Every person who shall feloniously steal, take, carry ... the personal property of another, ... is guilty of theft."

(7) California Penal Code Section 484b through 487h describe various specific types of theft; Section 487 states that "Grand theft is committed in any of the following cases: (a) when the money, labor, or real or personal property taken is of a value exceeding four hundred dollars ($400), ..."; Penal Code Section 488, states, "Theft in other cases is petty theft."

(8) By taking items of merchandise from the premises of the Cala Foods Store located at 27th Avenue and Geary Boulevard, the accused committed petty theft as defined above;

(9) California enal Code Section 490.5 (a) makes the first conviction for petty theft involving merchandise taken from a merchant's premises a misdemeanor;

(10) The accused by taking items of merchandise without paying for them from the same store on multiple occasions violated the law he was on duty and being paid by the citizens to enforce and has engaged in conduct which violates the Penal Code and clearly reflects discredit on he department, which constitutes a violation of Rules A-1 and A-9 of General Order D-1 of the San Francisco Police Department, which states:

A-1 "The basic mission of the Police Department and of all of its members is to protect life and property, to preserve the peace, to prevent crime, to enforce criminal laws and ordinances, and to regulate non-criminal conduct as provided by law or by ordinance. Members shall, while off-duty, devote their entire time to the achievement of this mission within the context of their respective assignments."

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A-9 "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 17, 1994 and on Wednesday, August 17, 1994, the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Dalrymple's plea of no contest, the Commission finds that the allegations contained in Specification No. 1, as preferred by Chief Anthony Ribera against Officer Dalrymple are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustained - Termination, held in abeyance for three (3) years on the following terms:

(1) A thirty (30) day suspension shall be imposed;

(2) A punitive transfer from the solo motorcycle unit shall be imposed;

(3) For a period of one year, Officer Dalrymple shall engage in weekly psychotherapy at Officer Dalrymple's expense; Lt. Alan Benner, the department's psychologist, has approved of and spoken with the current treating psychiatrist; Officer Dalrymple shall execute releases as required to permit his psychiatrist or psychologist to cooperate with the SFPD psychologist in assessing Officer Dalrymple's fitness to return to full duty;

(4) Lt. Al Benner will be the liaison between the Department and Officer Dalyrmple's treating psychiatrist or psychologist. Lt. Benner's preliminary undertaking shall be to certify the integrity of the Health Care Giver and the proposed treatment as satisfactory for Commission purposes in this matter. This preliminary determination shall apply to any successor therapist. Lt. Benner in this matter shall through the Psychiatrist (a) Monitor Officer Dalrymple's attendance at sessions with the psychiatrist. (b) Monitor Officer Dalrymple's progress and cooperation with the psychiatrist. (c) Confer with Officer Dalrymple regarding his progress and current status. (d) Report to the Commission regarding the matter. Lt. Benner shall ultimately advise the Commission regarding this matter and prescribe for Officer Dalrymple the appropriate term for therapy, i.e., whether it should be the one year term or a shorter term or an extended term as it shall appear to Lt. Benner during the course of the undertaking.

(5) Officer Dalrymple is to stay away from the Cala Foods Store at 27th Avenue and Geary Boulevard. If, while on duty, in any capacity, Officer Dalrymple receives a dispatched call to respond to that location, Officer Dalrymple shall respond only if the call is an "A" priority call and no other units are available to hand the call; (6) Officer Dalrymple is ordered not to contact, in any manner, any person employed by Cala Foods who is either currently or was previously associated with the Cala Foods Store located at 27th Avenue and Geary Boulevard, San Francisco;

RESOLVED, that said thirty (30) day suspension shall begin at 0001 hours on Saturday, August 27, 1994 and terminate at 2400 hours on Sunday, September 25, 1994.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR)

Thereafter, the meeting was adjourned at 7:00 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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Police Commission

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Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 24, 1994

EXECUTIVE SESSION

ROOM 505-2
4:30 p.m.

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Public Employee Performance Evaluation
Captain Richard Cairns

Attorney-Client Conference
a. Debra Babarsky vs. CCSF

The Police Commission

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Commissioner

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 24, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion on Calendaring New Matters
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Discussion and Action on Revised General Order 5.01 Subsection N
9. Discussion and Action re: OCC Openness Report Format
10. Discussion and Action on revised General Order 1.06, "Duties of Superior Officers"
11. Discussion and Action on Revised General Order 3.16, Subsection II.A.9
12. Discussion and Action on Revised General Order 8.05, "Labor Disputes"
13. Discussion and Action on Revised General Order 8.09, "Media Relations"
14. Discussion and Action on Revised General Order 11.01, "Personnel Compensation"

The Police Commission

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CALENDAR OF PROCEEDINGS continued
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 24, 1994

15. Discussion and Action on Revised General Order 11.10, "Physical Fitness and Wellness Evaluation Program"

16. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

17. Hearing on Charges Filed Against Sergeant Joseph Weatherman, Support Services (File No. C34-146 EEO)

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 24, 1994

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claim:

   a. Debra Babarsky vs CCSF $20,000

AUGUST 24, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chamber, Room 505-2, at 850 Bryant, from 4:55 p.m. to 5:30 p.m. in an Executive Session.

Public Employee Performance Evaluation
Captain Richard Cairns

Attorney-Client Conference
a. Debra Babarsky vs. CCSF

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

AUGUST 24, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chamber, Room 551, at 850 Bryant, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Motion by Commissioner Feinstein, second by Commissioner Rodriguez to reveal Executive Session discussion.

Commissioner Low announced that Commissioner Hewlett have reviewed the investigation and the report and all Commissioners were briefed and satisfied with the report of Captain Kowalski regarding Captain Cairns. The Commission has reviewed and there is nothing that warrants action by the Commission and the matter is referred to the Chief.

They then discussed approval of the settlement recommendation by the City Attorney of Debra Barbarsky.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 103-94

DEBRA BABARSKY vs. CCSF(SFPD), et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Debra Babarsky vs. CCSF(SFPD), et al" in Unlitigated Claim #93-00867 in the amount of $20,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: April 21, 1993

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low announced no meeting August 31st or September 7th. Next regular meeting September 14th. He also stated that September 28th meeting is scheduled for the Ingleside District. October 19th in the Potrero District.

Commissioner Feinstein stated that she will review the 32 pending in Management Control and report back later.

CHIEF'S REPORT TO THE POLICE COMMISSION

No Chief's Report.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

No OCC report.

Commissioner Friday then inquired of OCC Acting Director John Parker regarding the 25 cases missing and Parker responded that one case has been found.

Commissioner Friday then discussed his concerns regarding the lost cases and he stated that the Commission is entitled to more explanation regarding these cases. He then asked for a more detailed explanation and Director Parker stated that he opinion regarding cases and will be glad to discuss this with the Commission in Executive Session.

Commissioner Friday then addressed concerns regarding reconstructing cases.

Discussion followed regarding Parker's decision to reveal the missing cases and thought it was proper to bring to the attention of the public.

Commissioner Rodriguez then expressed his concerns regarding this issue.

Commissioner Friday asked that matter be calendared in the near future for follow-up.

DISCUSSION AND ACTION ON REVISED GENERAL ORDER 5.01, SUBSECTION N

Bruce Kapsack, OCC, addressed concerns of the OCC regarding General Order 5.01, Subsection N.

Motion by Commissioner Hewlett, second by Commissioner Feinstein. Matter approved 5-0.

Commissioner Feinstein asked that review in progress and asked that the matter be reviewed and its progress report back to see if it the Use of Force Log is working and asked the matter be calendared in six months for use of force and pepper spray review.

RESOLUTION NO. 104-94

ADOPTION OF REVISED GENERAL ORDER NO. 5.01, SUBSECTION N

RESOLVED, that the Police Commission hereby adopts Revised General Order No. 5.01, Subsection N.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 106-94

ADOPTION OF REVISED GENERAL ORDER 1.06, "DUTIES OF SUPERIOR OFFICERS"

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RESOLVED, that the Police Commission hereby adopts Revised General Order 1.06, "Duties of Superior Officers".

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION ON REVISED GENERAL ORDER 3.16, SUBSECTION II.A.9

Commissioner Hewlett stated no response from the letter of Judge Hitchins and asked matter be put over to September 14th.

Commissioner Hewlett then asked that General Order be distributed less Section II.A.9.

DISCUSSION AND ACTION ON REVISED GENERAL ORDER 8.05, "LABOR DISPUTES"

Mr. Elliot Beckelman, Attorney for the Hotel & Restaurant Employees Union, discussed his concerns in letter sent to the Commission.

John Crew, ACLU, discussed concerns in the enforcement clause.

Lieutenant Pecinovsky, Legal, addressed the Commissioner regarding Department concerns and asked the order be adopted.

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. General Order approved 5-0.

RESOLUTION NO. 107-94

ADOPTION OF REVISED GENERAL ORDER 8.05, "LABOR DISPUTES"

RESOLVED, that the Police Commission hereby adopts Revised General Order 8.05, "Labor Disputes".

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION ON REVISED GENERAL ORDER 8.09, "MEDIA RELATIONS"

Approved 5-0 less the portion regarding juveniles as described in 3.16 awaiting response from juvenile Judge Hitchins.

RESOLUTION NO. 108-94

ADOPTION OF REVISED GENERAL ORDER 8.09, "MEDIA RELATIONS"

RESOLVED, that the Police Commission hereby adopts Revised General Order 8.09, "Media Relations".

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 109-94

ADOPTION OF REVISED GENERAL ORDER 11.01, "PERSONNEL COMPENSATION"

RESOLVED, that the olice Commission hereby adopts Revised General Order 11.01, "Personnel Compensation".

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION ON REVISED GENERAL ORDER 11.10, "PHYSICAL FITNESS AND WELLNESS EVALUATION PROGRAM"

Chief Ribera commends Officer Hofsass for her efforts regarding this Wellness Evaluation Program.

RESOLUTION NO. 110-94

ADOPTION OF REVISED GENERAL ORDER 11.10, "PHYSICAL FITNESS AND WELLNESS EVALUATION PROGRAM"

RESOLVED, that the Police Commission hereby adopts Revised General Order 11.10, "Physical Fitness and Wellness Evaluation Program".

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS

Maggie Olsen discussed matter of people urinating in public.

Louise Vaughn, resident Geneva Towers, discussed discrimination of blacks in the area and talked of citation for parked autos. She further discussed the citations she received regarding handicapped placard.

John arker responded her question.

John Crew, ACLU, discussed concerns regarding the OCC lost cases. He asked about his recent request regarding material as of the public records act.

Linda Ross, City Attorney, responded.

HEARING OF SERGEANT JOSEPH WEATHERMAN, SUPPORT SERVICES DIVISION

The hearing of Sergeant Joseph Weatherman, Support Services Division, was called, it having been set for this date. Sergeant Weatherman was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which violates Rule VIII(B)(1) of General Order D-17, and which subverts the good order, efficiency or discipline of the Department and/or reflects discredit on the Department in violation of Rule A-9 of General Order D-1 of the San Francisco Police Department;

SPECIFICATION NO. 2

Disobeying a lawful order from a superior officer in violation of Rule A-11 of General Order D-1 of the San Francisco Police Department;

SPECIFICATION NO. 3

Engaging in conduct which violates Rule VIII(D)(1) of General Order D-17, and which subverts the good order, discipline or efficiency of the Department and/or reflects discredit on the Department, in violation of Rule A-9 of General Order D-1 of the San Francisco Police Department;

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

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Sergeant Joseph Weatherman appeared in person and was represented by Ms. Sylvia Courtney, Attorney at Law.

Ms. Maria G. Narayan, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Commissioner Harry Low announced that all Commissioners have read the transcripts and have reviewed the exhibits.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned with the following decisions:

SPECIFICATION NO. 1

Sustained; Sergeant Weatherman did violate General Order D-1, Rule A-9 which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the department or any member thereof or the [sic] is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

AYES: Commissioners Feinstein, Low, Rodriguez

Commissioners Friday and Hewlett voted that Sergeant Weatherman did violate General Order D-17, Rule VIII(B)(1).

SPECIFICATION NO. 2

Sustained

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

SPECIFICATION NO. 3

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

Based on those findings, the Commission requested a recommendation from Chief of Police Anthony Ribera. It is the recommendation of the Chief of Police that Sergeant Joseph Weatherman be terminated.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 111-94

DECISION - HEARING OF SERGEANT JOSEPH WEATHERMAN, SUPPORT SERVICES DIVISION

WHEREAS, on February 9, 1994, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Sergeant Joseph Weatherman as follows:

SPECIFICATION NO. 1

Engaging in conduct which violates Rule VIII(B)(1) of General Order D-17, and which subverts the good order, efficiency or discipline of the Department and/or reflects discredit on the Department in violation of Rule A-9 of General Order D-1 of the San Francisco Police Department;

(1) At all times herein mentioned, Joseph L. Weatherman, Star Number 974 (hereinafter referred to as "the Accused"), was and is a police officer with the rank of Sergeant of Police, employed by the San Francisco Police Department. As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department, including General Orders D-1 and D-17;

(2) At all times herein mentioned, the victim was also a police officer employed by the San Francisco Police Department;

(3) The accused and the victim met while working in approximately 1988. In approximately 1991, the accused was assigned to a police station where he was a sergeant and the victim was a patrol officer;

(4) Over the next several months, the accused, who was married, expressed an interest in becoming romantically involved with the victim. Upon learning that the accused's wife approved of the proposed relationship, the victim and the accused commenced a romantic relationship. The relationship continued until approximately November, 1992;

(5) In or about November, 1992, the victim concluded that she and the accused should not see each other for at least a year. The victim notified the accused of her decision in a letter dated December 1, 1992; the letter further requested that the accused not contact the victim or her friends;

(6) The accused refused to accept the decision of the victim. Commencing on or about December 2, 1992, the accused repeatedly called the victim on her telephone at home and on her pager at work, left messages on her answering machine, wrote letter to her, demanded that she meet with him, contacted her friends and put notes on her automobile;

(7) The victim enlisted the aid of other persons in the Department, with whom she and the accused were mutually acquainted, to persuade the accused to leave her alone and cease his unwelcome attempts to renew the relationship. The efforts of the third parties failed;

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(8) The victim became worried about her safety and the safety of her family. The victim changed her home telephone number to an unlisted number, relinquished her pager out of frustration, and advised the security officers at her home that the accused was not authorized by her to be on the premises. The accused threatened to harm himself if the victim did not resume her romantic relationship with him;

(9) On January 29, 1993, after her efforts to rebuff and avoid the accused proved unsuccessful, the victim sent the accused a certified letter demanding that she be left alone, that the harassment and intimidation cease, and that the accused behave in a reasonable manner. The accused acknowledged receiving said letter;

(10) Despite receiving the letter, the accused, on February 7, 1993 and again on February 22, 1993, sent personal messages from his supervisor's patrol vehicle to the victim's patrol vehicle on the Mobile Video Terminal (MVT). One message sent on February 7, 1993, included the number "143", a code for "I love you". On February 22, 1993, the message to the vehicle to which the victim was assigned, consisted of three dots, "...". There were no legitimate reasons for sending these messages other than to intimidate and harass the victim;

(11) In approximately April, 1993, the accused threatened to report the victim's parents to a governmental agency;

(12) On or about July 31, 1993, the victim saw the accused in the neighborhood where she lived; shortly thereafter, when the victim returned from personal errands, she found on her vehicle a particular pastry which she and the accused had shared prior to December 1, 1992;

(13) The accused, as a sergeant of police, by initiating a romantic relationship with the victim, who is a Q-2 police office, and then pursuing and harassing her after she broke off the relationship, engaged in sexually harassing conduct which created a hostile environment for the victim in violation of Rule VIII(B)(1) of General Order D-17 of the San Francisco Police Department, and engaged in conduct which constituted a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the department or any member thereof or the [sic] is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and

punishable by the Board."

SPECIFICATION NO. 2

Disobeying a lawful order from a superior officer in violation of Rule A-11 of General Order D-1 of the San Francisco Police Department;

(14) Paragraphs (1) through (13) of Specification No. 1 above are realleged herein by reference and incorporated by such reference as though set forth in full;

(15) When the accused continued to harass the victim and did not respond to third party suggestions and requests that he leave the victim alone, the victim filed a complaint with the Equal Employment Opportunity Unit of the Department;

(16) When the complaint from the victim came to the attention of the Affirmative Action Officer for the Department, a Deputy Chief of Police, the affirmative action officer, by a written order dated February 26, 1993, ordered the accused:

[N]ot to have any type of communication with [victim], her family or her friends, either personally or through others. This includes, but is not limited to, personal visits, telephone calls, letters, notes and messages on the MVT.

The accused signed a written acknowledgement of receipt of this order on February 26, 1993;

(17) Despite the written order, the accused continued to directly and indirectly attempt to contact the victim. Accordingly, on August 9, 1993, the Deputy Chief repeated, in writing, his directive of February 26, 1993;

(18) The accused subsequently violated the written orders of February 26, 1993, and August 9, 1993, including by going to Mission Station, where the victim was assigned, on or about January 26, 1994. This resulted in the issuance of the following order by the Deputy Chief on February 3, 1994:

Consistent with the prior departmental directives prohibiting you from any contact, whether telephonic, in person, by MVT transmission, or any other means, with [victim], I am hereby ordering you to not respond or contact Mission Police Station in either an on-duty or off-duty capacity. Should your current assignment necessitate contact with Mission Station, you shall assure that the contact is made by someone other than yourself.

The accused signed a written acknowledgment of receipt of this order on February 3, 1994;

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(19) The accused, by continuing to pursue and harass the victim in violation of direct written orders, has engaged in conduct which violates Rule A-11 of General Order D-1 of the San Francisco Police Department, which states;

"Members shall promptly obey all lawful orders of superiors ..."

SPECIFICATION NO. 3

Engaging in conduct which violates Rule VIII(D)(1) of General Order D-17, and which subverts the good order, discipline or efficiency of the Department and/or reflects discredit on the Department, in violation of Rule A-9 of General Order D-1 of the San Francisco Police Department;

(20) Paragraphs (1) through (13) of Specification No. 1 above, and paragraphs (15) - (19) of Specification No. 2 above, are realleged by reference and incorporated into Specification No. 3 by such reference as though set forth in full;

(21) On April 27, 1993, during the investigation of this matter, the accused threatened the victim by stating to one of her friends that the knew things about the victim's past that he implied were harmful and that he would bring to the department's attention if the EEO investigation in this matter continued;

(22) On another occasion in late 1993, the accused called a member of the department who was a mutual friend of his and the victim's and threatened to bring charges concerning the victim's family to the attention of a government agency if the victim did not drop the EEO investigation in this matter;

(23) On or about July 31, 1993, the accused was in the vicinity of the victim's home and subsequently left a bakery item on the victim's automobile;

(24) The foregoing conduct by the accused amounts to retaliation against the victim for filing and/or pursuing a sexual harassment complaint with the Equal Employment Opportunity Unit in violation of Rule VIII(D)(1) of General Order D-17; such conduct also subverts the good order, efficiency or discipline of the Department and/or brings discredit to the Department, in violation of Rule A-9 of General Order D-1;

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on June 6, 1994, June 8, 1994, June 9, 1994, June 10, 1994, August 24, 1994 and on Wednesday, August 24, 1994, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification Nos. 1, 2 and 3 as preferred by the Chief of Police against Sergeant Joseph Weatherman are sustained. The Commission therefore adopts the language of said charges and its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NOS. 1, 2, AND 3

Termination

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

Recesses taken during the hearing of Sergeant Joseph Weatherman:

7:55 p.m. to 8:35 p.m.
8:55 p.m. to 9:05 p.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR)

Thereafter, the meeting was adjourned at 9:05 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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Commissioner

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, SEPTEMBER 21, 1994

EXECUTIVE SESSION

ROOM 505-2
4:30 p.m.

Attorney-Client Conference

a. Frank C. McCoy v. CCSF
b. Anita Allison v. CCSF
c. Imelda Fernandez v. CCSF
d. Dawn Walker v. CCSF

Existing Litigation

Coming Up, Inc. v. CCSF

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, SEPTEMBER 21, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Approval of Minutes of Meetings of June 1, 1994, June 8, 1994 and June 22, 1994

4. Vote on Whether to Disclose Executive Session Discussion

5. Approval of Consent Calendar

6. Police Commission Report
   a. Motion on Calendaring New Matters

7. Assignment of Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Officer Clifton A. Matthews, Support Services (File No. C45-018 JWA)

8. Assignment of Commissioner and Setting of Date for the Taking of Evidence on Charges Filed Against Officer Edward B. McDonough, Support Services (File No. C45-024 JWA)

9. Assignment of Commissioner and Setting of Date for the taking of Evidence on Charges Filed Against Officer William T. Taylor, Tenderloin Task Force (File No. C45-026 BSK)

10. Discussion re: Commission Review of 2nd Quarter OCC Cases

11. Chief's Report to the Police Commission

12. OCC Director's Report to the Police Commission

13. Request of the Chief of Police to Apply for, Accept, and Expend Funds to Participate in the Public Housing Drug Elimination Program

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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CALENDAR OF PROCEEDINGS continued
POLICE COMMISSION MEETING
WEDNESDAY, SEPTEMBER 21, 1994

14. Request of the Chief of Police for Approval of the Awards Committee Recomendations

15. Discussion and Action on Revised General Order 3.16, Subsection II.A.9

16. Discussion and Action on Revised General Order 9.06, "Vehicle Tows"

17. Discussion Re: Proposed Rules and Procedures for the San Francisco Patrol Special and Assistant Patrol Special Officers

18. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

19. Hearing on Charges Filed Against Officer E. Brian Normandy, Support Services (C34-159 JWA)

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
SEPTEMBER 21, 1994

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:

a.	Frank C. McCoy v. CCSF	$115,514.00
b.	Anita Allison v. CC F	20,000.00
c.	Imelda Fernandez v. CCSF	8,635.00
d.	Dawn Walker v. CCSF	23,680.00

2. Request of the Chief of Police for Approval of the Expenditures from the Chief's Contingent Fund for the Month of July, 1994

3. Request of Captain Joaquin Santos, Mission Station, to Accept Donation of Gym Equipment for the New Mission Station

4. Request of Sergeant Edward Dullea, Housing Task Force, to Accept Donation of a Surveillance Van for Use of the Housing Task Force

5. Request of the Chief of Police to Accept a Donation of a 1984 Dodge Ram Charger for Use of the Richmond Station

6. Request of the Chief of Police for Approval of Taxicab Owners Permits for the following applicants:

Mulugeta Woldemariam
Florante Ascuncion
Hay Wong
Vladimir Nosach
Joseph Boyles
Boris Grinboym
Earl Stewart
Yossedek Desta
Humberto Espinoza
Joseph Tesema
Semion Bakman

7. Request of the Chief of Police for Approval to Accept a $300.00 Cash Donation for the Crime Prevention Floral Fund

SEPTEMBER 21, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 4:30 p.m. to 5:25 p.m., for an Executive Session.

a. Frank C. McCoy v. CCSF
b. Anita Allison v. CCSF
c. Imelda Fernandez v. CCSF
d. Dawn Walker v. CCSF

Existing Litigation

Coming Up, Inc. v. CCSF

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

SEPTEMBER 21, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m., for a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

APPROVAL OF MINUTES OF MEETINGS OF JUNE 1, 1994, JUNE 8, 1994 AND JUNE 22, 1994

Approval of minutes of the meetings of June 1, 1994, June 8, 1994 and June 22, 1994, the Commissioners having received, approved and returned the copies of same.

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low stated the Commission met in Executive Session reviewed and approved settlement by City Attorney's recommendation and they also reviewed the case of Coming Up, Inc. v. CCSF.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 112-94

FRANK C. McCOY v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Frank C. McCoy v. CCSF" in Superior Court No. 937-744 in the amount of $115,514.00 for damages sustained, be, and the same is hereby approved.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 113-94

ANITA ALLISON v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Anita Allison v. CCSF" in Unlitigated Claim No. 93-01652 in the amount of $20,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: September 24, 1993

AYES: Commissioners Feinstein, riday, Hewlett, Low, Rodriguez

RESOLUTION NO. 114-94

IMELDA FERNANDEZ v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Imelda Fernandez v. CCSF" in Municipal Court No. 019-770 in the amount of $8,635.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: March 8, 1988

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 115-94

DAWN WALKER v. SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Dawn Walker v. San Francisco Police Department" in U.S. District Court No. C91-1190 in the amount of $23,680.00 as payment for vocational rehabilitation, be, and the same is hereby approved.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 116-94

APPROVAL OF THE EXPENDITURES FROM THE CHIEF'S CONTINGENT FUND FOR THE MONTH OF JULY, 1994

RESOLVED, that the Commission hereby approves the Report of Expenditures from the Chief's Contingent Fund for the Month of July, 1994.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 117-94

APPROVAL OF THE REQUEST OF CAPTAIN JOAQUIN SANTOS, MISSION STATION, TO ACCEPT DONATION OF GYM EQUIPMENT FOR THE NEW MISSION STATION

RESOLVED, that the Police Commission hereby approves the request of Captain Joaquin Santos, Mission Station, to accept a donation of equipment for the new Mission Station, from Joe and Robin Talmidge, owners of the World Gym, Showplace Square, San Francisco.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 118-94

APPROVAL OF REQUEST OF SERGEANT EDWARD DULLEA, HOUSING TASK FORCE, TO ACCEPT DONATION OF A SURVEILLANCE VAN FOR USE OF THE HOUSING TASK FORCE

RESOLVED, that the Commission hereby approves the request of Sergeant Edward Dullea, Housing Task Force, to accept a donation of a 1981 Chevrolet Panel Van from the DRMO-Alameda, for use as a surveillance van for the Housing Task Force.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

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RESOLUTION NO. 119-94

APPROVAL TO ACCEPT A DONATION OF A 1984 DODGE RAM CHARGER FOR USE OF THE RICHMOND STATION

RESOLVED, that the Commission hereby approves the request of the Chief of Police to accept a 1984 Dodge Ram Charger, CA/2N04202, VIN #1B4GW12T8E-370289, Blue Book Value of $4,200.00, from Officer Michael Toropovsky, for use of the Richmond Station.

AYES: Commissioners Feinstein, Friday Hewlett, Low, Rodriguez

RESOLUTION NO. 120-94

TAXICAB OWNERS PERMIT FOR MULUGETA WOLDEMARIAM

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Mulugeta Woldemariam, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Mulugeta Woldemariam.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 121-94

TAXICAB OWNERS PERMIT FOR FLORANTE ASUNCION

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Florante Asuncion, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Florante Asuncion.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 122-94

TAXICAB OWNERS PERMIT FOR HAY WONG

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Hay Wong, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Hay Wong.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 123-94

TAXICAB OWNERS PERMIT FOR VLADIMIR NOSACH

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

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RESOLVED, that Vladimir Nosach, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Vladimir Nosach.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 124-94

TAXICAB OWNERS PERMIT FOR JOSEPH BOYLES

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Joseph Boyles, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Joseph Boyles.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 125-94

TAXICAB OWNERS PERMIT FOR BORIS GRINBOYM

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Boris Grinboym, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Boris Grinboym.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 126-94

TAXICAB OWNERS PERMIT FOR EARL STEWART

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Earl Stewart, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Earl Stewart.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 136-94

TAXICAB OWNERS PERMIT FOR YOSSEDEK DESTA

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

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RESOLVED, that Yossedek Desta, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Yossedek Desta.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 137-94

TAXICAB OWNERS PERMIT FOR HUMBERTO ESPINOZA

WHREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 86 1; therefore be it

RESOLVED, that Humberto Espinoza, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Humberto Espinoza.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 138-94

TAXICAB OWNERS PERMIT FOR JOSEPH TESEMA

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Joseph Tesema, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Joseph Tesema.

AYE Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 139-94

TAXICAB OWNERS PERMIT FOR SEMION BAKMAN

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Semion Bakman, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Semion Bakman.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 127-94

APPROVAL TO ACCEPT A $300.00 CASH DONATION FOR THE CRIME PREVENTION FLORAL FUND

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a $300.00 cash donation from the Collossal Film Studio for the use of the Crime Prevention Floral Fund.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner low stated there will be no meeting on the 28th of September and the next regular meeting will be Wednesday, October 5th. He also stated that Wheeler v. Police Commission matter which was tentatively scheduled for the 28th will be put over to October 5th as well as OCC Police Recommendations.

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RESOLUTION NO. 128-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER CLIFTON A. MATTHEWS, SUPPORT SERVICES

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Clifton A. Matthews, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Matthews; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Matthews and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 129-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER EDWARD B. MCDONOUGH, SUPPORT SERVICES

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Edward B. McDonough, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer McDonough; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer McDonough and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 130-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER WILLIAM T. TAYLOR, TENDERLOIN TASK FORCE

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer William T. Taylor, Tenderloin Task Force, was called it having been set for this date; and

WHEREAS, Commissioner Anthony Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Taylor; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Taylor and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

DISCUSSION RE: PROPOSED RULES AND PROCEDURES FOR THE SAN FRANCISCO PATROL SPECIAL AND ASSISTANT PATROL SPECIAL OFFICERS

Commissioner Low then took Item Number 17 out of order. Matter over to October 12th. He further stated that this was the beginning of the process to open up matter for public discussion.

DISCUSSION RE: COMMISSION REVIEW OF 2ND QUARTER OCC CASES

Commissioner Feinstein stated that she has reviewed the 32 cases reported outstanding in the 2nd quarter statistics. She stated she read the cased and disagreed on the actions taken on four cases. She stated she met with the Chief, Lt. Lorin and Lt. Davenport and that in reviewing these cases, there are certain policy issues that should be addressed. She further discussed the openness report and concerns regarding the statement of facts.

John Crew, ACLU, discussed concerns regarding actions taken by the department in disciplinary cases.

Commissioner Low stated that the Commission is looking into the process and is reviewing for any inconsistencies or problems and will continue to do so to address any concerns or problems.

Jill Tregor, Intergroup Clearinghouse, addressed the Commission regarding her disappointment in the process.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera stated that on Friday, the 23rd, at 10:00 a.m., promotions will be made in this department including appointment of a Deputy Chief, Captains including three women Captains and eight Lieutenants.

He stated that there will be a press conference on Thursday, the 22nd, regarding crime statistics. He then had Commander Holder address the Commission regarding the FRET Program.

Commander Holder stated that they had just completed another operation where there were 90 arrests of which 38 were sent to San Quentin, six arrests of individuals carrying guns and three arrests for people wanted for robbery. Since inception of the program, there has been over 800 arrests of which 400 were sent directly to San Quentin.

Chief Ribera then recognized the efforts of the federal and state and local agencies including the sheriffs department and Sheriff Hennessy for their cooperation during this operation.

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Commander Philpott then discussed prostitution investigations in which targeted johns. This program has been in operation for a couple of months in the Mission, Northern and Central districts. He stated last month there were 39 prostitution arrests and 27 john arrests.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Acting Director John Parker discussed the OCC budget and stated a recent meeting and discussion through City Hall that the OCC office is stated for a $35,000 cut. He then further requested monthly report be calendared for October 5th. He also talked about paperwork submitted to the Commission regarding previously discussed cases which were missing from OCC and he will discuss further with the Commission at their request.

Commissioner Low then stated that he has approved the announcement of the OCC director and would calendar in the future the selection process.

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT, AND EXPEND FUNDS TO PARTICIPATE IN THE PUBLIC HOUSING DRUG ELIMINATION PROGRAM

Officer Mike Lujan, Fiscal, made presentation. Matter Approved 5-0. Motion by Commissioner Rodriguez, second by Commissioner Hewlett.

RESOLUTION NO. 131-94

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY, ACCEPT, AND EXPEND FUNDS TO PARTICIPATE IN THE PUBLIC HOUSING DRUG ELIMINATION PROGRAM

RESOL ED, that the Police Commission does hereby authorize the Chief ~ Police of the City and County of San Francisco to apply, accept, and expend funds from the U.S. Department of Housing and Urban Development to be used to participate in the Public Housing Drug Elimination Program.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 132-94

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order O-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Wednesday, August 24, 1994; and

WHEREAS, Chief of Police Anthony Ribera has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officer Joseph Buono and Officer Barbara Pinelli are hereby awarded the Gold Medals of Valor and granted a reward of $500.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Sergeant Neil Swendsen, Sergeant George Pohley, Officer Michael Bolte, Officer Michael Philpott, Officer Michael Wells, Officer Kevin Whitfield, Officer Michael Moran, Officer Edward Yu, Officer Michael Browne, be, and are hereby awarded Silver Medals of Valor and granted rewards of $300.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeant Timothy Dempsey, Sergeant Robert Del Torre, Officer Paul R. Lozada, Officer John Centurioni, Officer Gerard Neybert, Officer John Parenti, be, and are hereby awarded Bronze Medals of Valor and granted rewards of $150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, Lieutenant Susan Manheimer, Sergeant Stephen Gudelj, Sergeant David Horton, Sergeant Raymond Kilroy, Sergeant David Roccaforte, Inspector Mark Gamble Inspector Daniel Hance, Inspector Jeffrey Levin, Inspector Stephen Lundberg, Inspector Dennis Maffei, Inspector George Nazzal Inspector David Shinn, Inspector Robert Sudano, Officer Timothy Brophy, Officer Gail Johnson, Officer Steven Maionchi, Officer William Murphy, Officer Timothy Plyer, Officer David Seid, be, and are hereby awarded Meritorious Conduct Awards and granted a reward of $150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 133-94

ADOPTION OF REVISED GENERAL ORDER NO. 3.16, SUBSECTION II.A.9

RESOLVED, that the Police Commission hereby adopts Revised General Order No. 3.16, Subsection II.A.9.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 134-94

ADOPTION OF REVISED GENERAL ORDER 9.06, "VEHICLE TOWS"

RESOLVED, that the Police Commission hereby adopts Revised General Order 9.06, "Vehicle Tows".

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

DISCUSSION RE: PROPOSED RULES AND PROCEDURES FOR THE SAN FRANCISCO PATROL SPECIAL AND ASSISTANT PATROL SPECIAL OFFICER

Put over to meeting of October 12, 1994.

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PUBLIC COMMENTS

Maggie Olesen discussed her observing two officers in the Mission speaking to a Latin individual who only spoke Spanish and that neither of the officers was bilingual and could not converse with the individual.

John Crew, ACLU, discussed the Commission looking into the OCC regarding changes.

HEARING OF POLICE OFFICER E. BRIAN NORMANDY, SUPPORT SERVICES

The hearing of Police Officer E. Brian Normandy, Support Services, was called it having been set for this date. Officer Normandy wad charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer E. Brian Normandy appeared in person and was represented by Mr. Tito Torres, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Torres asked that the hearing remain closed. Commissioner Low closes hearing until decision due to criminal proceedings pending.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, sustaining Specification Nos. 1 and 2.

Based on those findings, the Commission requested a recommendation from Chief of Police Anthony Ribera. It is the recommendation of the Chief of Police that Officer E. Brian Normandy be terminated.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 135-94

DECISION - HEARING OF POLICE OFFICER E. BRIAN NORMANDY, SUPPORT SERVICES

WHEREAS, on February 23, 1994, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer E. Brian Normandy as follows:

SPECIFICATION NO. 1

(1) At all times herein mentioned, E. Brian Normandy, Star Number 1760, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Administration Bureau, Support Services Division, Identification Unit;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) The accused and the woman complainant in this matter, (hereinafter referred to as the "victim") had been involved in a relationship which commenced in March, 1991;

(4) During the course of the relationship, the victim moved into the accused's residence at various times for various periods of time; during the course of the relationship, the accused and the victim argued frequently;

(5) Sometime in early October, 1993, the victim determined to end her relationship with the accused; she told him that it was over the attempted to cut off communication with the accused; on or about October 6, 1993, the accused, while on-duty in his patrol vehicle in the Ingleside District near the intersection of Curtis and Naples Streets, saw the victim driving her automobile; the accused performed a traffic stop on the victim's vehicle, took the victim's automobile ignition keys from her and placed her in his patrol vehicle stating that he would arrest her for not having a drivers license if she did not talk to him;

(6) The victim was fearful of the accused and attempted to leave the patrol vehicle, but the accused would not permit her to do so; the victim then became upset and the accused drove the victim to her mother's house in an effort to have the mother calm the victim; after half an hour of the accused haranguing the victim, he finally left the mother's house;

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(7) When the victim threatened to call the police department to report the accused for his actions, the accused taunted her and invited her to call the department, and stated that the department would not believe her and would do nothing because he is a police officer;

(8) The accused by ordering the victim into the police vehicle and not releasing her and by preventing her from exiting his patrol vehicle engaged in conduct which constitutes a false imprisonment as defined by the Penal Code section 236 which states:

"False imprisonment is punishable by fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not more than one year, or by both. If such false imprisonment be effected by violence, menace, fraud, or deceit, it shall be punishable by imprisonment in the state prison."

(9) On or about December 13, 1992, the accused and the victim were at their house and engaged in an argument, the argument escalated and the victim went to the bathroom to take a shower; the accused was enraged, continued the argument while the victim was in he shower, and finally he punched the glass door of the shower with his fist, shattering the glass and causing numerous cuts to the victim's body including a sever laceration to her neck wherein blood poured; it was necessary for the victim to go the to the emergency room at the Kaiser Hospital for medical treatment of the cuts caused by the accused's violent act;

(10) The accused by committing the crime of false imprisonment as described above in paragraph 8 and by violence, menace, fraud, or deceit, did unlawfully deprive the victim of her personal liberty in that the accused did restrain, detain, and arrest the victim for a substantial period of time, to wit: approximately 2 hours, in that the victim was not free to leave the accused's presence during that time.

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(11) The accused, by preventing the victim from leaving the patrol car after he took her into custody and by smashing the shower door with his fist causing bodily injury to the victim, engaged in conduct of a criminal nature punishable as felonies under the Penal Code as defined in Penal Code sections 236 and 273.5, this conduct violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(12) Each and every allegation contained in paragraphs (1) through (10), inclusive, of Specification No. 1 above is incorporated herein by reference and is realleged as though set forth in full;

(13) Commencing after the October 6, 1993 incident, the accused repeatedly called and harassed the victim in this matter; the accused continued to harass the victim by calling her at home, at her mother's home and at work: the accused terminated this harassing behavior in about mid November through mid December;

(14) In mid December, 1993, the victim met the accused and because he had calmed down and ceased his harassing behavior, she gave him her new unlisted telephone number; the accused asked for her new address, but she was not comfortable enough to give him her address; the accused became angry, stated that he had access to Pacific Bell telephone records and could find her address;

(15) On a date thereafter, the victim went on a date with another man; the next day the accused called her at work, called her names and described the details of her date with the other man, including what she was wearing, what the date was wearing and where they went during the evening;

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(16) After the incident where the accused followed the victim and her date on a social outing, the accused commenced daily telephone harassment of the victim;

(17) On December 29, 1993, the victim received threatening telephone calls from the accused at work. The accused threatened the victim with death and stated that he would be at her work when she got off duty to get her;

(18) The accused by following the victim in this matter, by threatening to kill her at the time she gets off work and by harassing the victim by repeated unwanted telephone calls, engaged in conduct which violates Penal Code sections 422 (threats to commit bodily injury), 646.9 (stalking) and 653m as alleged above, has engaged in conduct which violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states;

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, the hearings on said charges were held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Saturday, May 14, 1994, Saturday, June 4, 1994, Saturday, June 25, 1994, Wednesday, September 21, 1994, and on Wednesday, September 21, 1994, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification Nos. 1 and 2, as preferred by the Chief of Police against Officer E. Brian Normandy, Support Services, as modified by the Police Commission, are sustained by a preponderance of the evidence presented. The Commission therefore adopts the language of said charges, as modified by the Police Commission, as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

Specification Nos. 1 and 2

Sustained - Termination

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

(The entire proceedings were taken in shorthand form by Ms Peppina Thompson, CSR.)

Recesses taken during the hearing of Officer E. Brian Normandy:

8:15 p.m. to 8:35 p.m.
8:50 p.m. to 9:05 p.m.

Thereafter the meeting was adjourned at 9:05 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, OCTOBER 5, 1994

EXECUTIVE SESSION

ROOM 505-2
4:30 p.m.

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Attorney-Client Conference

Pending Litigation

a. Wheeler v. SFPD

b. Lombardo v. Weatherman

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, OCTOBER 5, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Approval of Minutes of Meetings of June 29, 1994, July 20, 1994, July 27, 1994, August 3, 1994, August 10, 1994, August 17, 1994 and August 24, 1994

4. Vote on Whether to Disclose Executive Session Discussion

5. Approval of Consent Calendar

6. Police Commission Report
   a. Motion on Calendaring New Matters

7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Philip L. Carvalho, Southern Station (File No. C45-047 BSK)

8. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Douglas D. Hansen, Support Services Division (File No. C23-028, C23-167, C34-145, C34-160 JWA)

9. Chief's Report to the Police Commission

10. Request of the Chief of Police to Amend the San Francisco Traffic Code by Adding Article 5A Sections 109 through 112 Thereto, Providing for the Collection of an Administrative Fee for the Registering of Bicycles, a Voluntary Program, Administered by the San Francisco Police Department

11. OCC Director's Report to the Police Commission

The Police Commission

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Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS continued
WEDNESDAY, OCTOBER 5, 1994

12. Discussion and Action re: OCC Policy Recommendations:

    a. Training/Operational Rules for Hall of Justice Security Checkpoint
    b. Training in the Notification of Owners of Recovered Stolen Vehicles
    c. Handling of Disabled Persons at Demonstrations
    d. Gender Awareness and Sensitivity-Added Training
    e. Expanded Training for Crown Control Procedures
    f. Revision of Tow Procedures-General Order J-3
    g. Field Photographing of Persons Not Arrested
    h. Training and Documentation of Embezzled or Stolen Vehicles
    i. Spanish Miranda Advisement Cards

13. Discussion re: Office of Citizen Complaints Monthly Statistical Summaries

14. Discussion and Action of Hearing Officer's Report re: Prop K, Section 5

15. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

16. Hearing on Charges Filed Against Inspector Robert C. Alberigi, Staff Services (C34-181 JWA)

CONSENT CALENDAR

1. Request of Lieutenant Richard Camara, Auto Theft Detail, for Approval to Use Loaned Vehicle from Allstate Insurance Company for Use of the Auto Detail

2. Request of the Chief of Police for Approval of Taxicab Owners Permit for Mr. Carl Lee

OCTOBER 5, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 4:30 p.m. to 5:45 p.m., in an Executive Session.

Attorney-Client Conference

a. Wheeler v. SFPD
b. Lombardo v. Weatherman

PRESENT: Commissioners Feinstein, Friday, Low, Rodriguez
ABSENT: Commissioner Hewlett

OCTOBER 5, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett*, Low, Rodriguez
*Commissioner Hewlett arrived at 5:50 p.m.

APPROVAL OF MINUTES OF MEETINGS OF JUNE 29, 1994, JULY 20, 1994, JULY 27, 1994, AUGUST 3, 1994, AUGUST 10, 1994, AUGUST 17, 1994 AND AUGUST 24, 1994

Approval of minutes of the meetings of June 29th, July 20th, July 27th, August 3rd, August 10th, August 17th and August 24, 1994, the Commissioners having received, approved and returned the copies of same.

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low stated that the Police Commission has met in Executive Session and discussed pending litigations with the City Attorney.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 140-94

APPROVAL OF REQUEST OF LIEUTENANT RICHARD CAMARA, AUTO THEFT DETAIL TO USE LOANED VEHICLE FROM ALLSTATE INSURANCE COMPANY FOR USE OF THE AUTO DETAIL

WHEREAS, the Auto Theft Detail has recovered a vin switched stolen Mazda RX-7 which now belongs to Allstate Insurance Company; and

WHEREAS, in appreciation for locating this vehicle and suspect, Allstate will loan the vehicle to the San Francisco Police Department for use in undercover operations; therefore

RESOLVED, that the Police Commission hereby approves the request of Lieutenant Camara, Auto Theft Detail, to use the 1987 Mazda RX-7 for use of the Auto Theft Detail.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 141-94

TAXICAB OWNERS PERMIT FOR CARL LEE

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Carl Lee, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Carl Lee.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

There is no Police Commission Report.

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER PHILIP L. CARVALHO, SOUTHERN STATION

RESOLUTION NO. 142-94

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER PHILIP L. CARVALHO, SOUTHERN STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Philip L. Carvalho, Southern Station, was called it having been set for this date; and

WHEREAS, Commissioner Katherine Feinstein is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Carvalho; therefore be it

RESOLVED, that Commissioner Feinstein is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Carvalho and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

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RESOLUTION NO. 143-94

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER DOUGLAS D. HANSEN, SUPPORT SERVICES DIVISION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Douglas D. Hansen, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Harry W. Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Hansen; therefore be it

RESOLVED, that Commissioner Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Hansen and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

HEARING ON CHARGES FILED AGAINST INSPECTOR ROBERT C. ALBERIGI, STAFF SERVICES

Taken out of order. The department is in receipt of a resignation of Inspector Robert Alberigi. As a result of resignation, matter is taken off calendar.

RESOLUTION NO. 145-94

HEARING ON CHARGES FILED AGAINST INSPECTOR ROBERT C. ALBERIGI, STAFF SERVICES DIVISION

WHEREAS, on March 28, 1994, Anthony D. Ribera, Chief of Police, made and served charges against Police Inspector Robert C. Alberigi, Staff Services Division, as follows:

SPECIFICATION NO. 1

Engaging in secondary employment while on sick leave and while on disability leave, (violation of Rule IX, subsection N, of General Order D-8, of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned by his superior officer (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which subverts the good order, discipline and efficiency of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, the Police Commission set Thursday, July 21, 1994 and Wednesday, October 5, 1994 as the date for the hearing on charges filed against Inspector Alberigi; and

WHEREAS, Chief of Police Anthony D. Ribera announced that Police Inspector Robert C. Alberigi has resigned from the San Francisco Police Department, said resignation effective close of business Wednesday, August 31, 1994; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Inspector Robert C. Alberigi, Staff Services Division, be, and the same are hereby continued off calendar.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera briefed the Commission regarding crime lab procedures and advised the Commission he is presently working with the District Attorney's office regarding case review. He also stated he is issuing an order that no evidence shall be destroyed without approval of the Chief of Police during this investigation. He also requested an audit of the crime lab and procedures by an outside agency and that Captain Kowalski has been appointed to oversee the work of the crime lab.

Commissioner Hewlett arrived at 5:50 p.m.

The Chief further updated the Commission regarding project on domestic violence and introduce Cassandra Vitacco from the CORO Foundation who presented her report and findings regarding domestic violence and elder abuse. After her presentation, Commissioner Hewlett commended Ms. Vitacco for her work on the report.

REQUEST OF THE CHIEF OF POLICE TO AMEND THE SAN FRANCISCO TRAFFIC CODE BY ADDING ARTICLE 5A SECTIONS 109 THROUGH 112 THERETO, PROVIDING FOR THE COLLECTION OF AN ADMINISTRATIVE FEE FOR THE REGISTERING OF BICYCLES, A VOLUNTARY PROGRAM, ADMINISTERED BY THE SAN FRANCISCO POLICE DEPARTMENT

Officer Miranda, Traffic Administration, described the program to the Commission and discussed fee registration on bicycles and when completed computerizing for future references. He also stated that the program is strictly voluntary.

Commissioner Feinstein then discussed concerns of the groups regarding suggestion of the proposed legislation and after discussion, Chief suggested that the matter be put over until after a meeting with persons and groups opposed to be recalendared at a later date.

Mr. Albert Glenn, Bicycle Advisory Committee, expressed concerns and desire to discuss them with Officer Miranda.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

No report.

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DISCUSSION AND ACTION RE: OCC POLICY RECOMMENDATIONS: (A) TRAINING/OPERATIONAL RULES FOR HALL OF JUSTICE SECURITY CHECKPOINT (B) TRAINING IN THE NOTIFICATION OF OWNERS OF RECOVERED STOLEN VEHICLES (C) HANDLING OF DISABLED PERSONS AT DEMONSTRATIONS (D) GENDER AWARENESS AND SENSITIVITY-ADDED TRAINING (E) EXPANDED TRAINING FOR CROWD CONTROL PROCEDURES (F) REVISION OF TOW PROCEDURES-GENERAL ORDER J-3 (G) FIELD PHOTOGRAPHING OF PERSONS NOT ARRESTED (H) TRAINING AND DOCUMENTATION OF EMBEZZLED OR STOLEN VEHICLES (I) SPANISH MIRANDA ADVISEMENT CARDS

John Parker, Acting Director OCC, Bruce Kapsack discussed recommendation B through G.

John Crew, ACLU, complimented the Chief and OCC on their efforts on the recommendations and further discussed first quarter recommendations.

After discussion, motion by Commissioner Hewlett, second by Commissioner Feinstein to adopt all the policy recommendations except G.

RESOLUTION NO. 144-94

APPROVAL OF OCC POLICY RECOMMENDATIONS: (A) TRAINING/OPERATIONAL RULES FOR HALL OF JUSTICE SECURITY CHECKPOINT (B) TRAINING IN THE NOTIFICATION OF OWNERS OF RECOVERED STOLEN VEHICLES (C) HANDLING OF DISABLED PERSONS AT DEMONSTRATIONS (D) GENDER AWARENESS AND SENSITIVITY-ADDED TRAINING (E) EXPANDED TRAINING FOR CROWD CONTROL PROCEDURES (F) REVISION OF TOW PROCEDURES-GENERAL ORDER J-3 (H) TRAINING AND DOCUMENTATION OF EMBEZZLED OR STOLEN VEHICLES (I) SPANISH MIRANDA ADVISEMENT CARDS

RESOLVED, that the Police Commission hereby approves the Office of Citizen Complaints Policy Recommendations: (a) Training/Operational Rules for Hall of Justice Security Checkpoint (b) Training in the Notification of Owners of Recovered Stolen Vehicles (c) Handling of Disabled Persons at Demonstrations (d) Gender Awareness and Sensitivity-Added Training (e) Expanded Training for Crowd Control Procedures (f) Revision of Tow Procedures-General Order J-3 (h) Training and Documentation of Embezzled or Stolen Vehicles (i) Spanish Miranda Advisement Cards.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

DISCUSSION RE: OFFICE OF CITIZEN COMPLAINTS MONTHLY STATISTICAL SUMMARIES

John Parker presented July and August, 1994, stats.

DISCUSSION AND ACTION OF HEARING OFFICER'S REPORT RE: PROP K, SECTION 5

Commissioner Low stated that the Commission has received numerous letters and written information from drivers and lawyers of concerned parties. The Commission has reviewed and read all the information and the Commission is aware of the actions of previous Commissions and will hear public comments tonight and they intend to propose rules regarding this matter. He also stated he had asked the City Attorney to draft rules and asked Officer Suslow to submit information regarding impact on the cab industry.

Craig Gilcrest, Attorney for cab industry, talked of Captain Hebel's report and offer suggestions regarding guidelines regarding transfers.

Norman Lew inquires as to public input before rules are acted upon.

Commissioner Low then stated that after completion of draft, rules be prepared and presented for public comments and review prior to action.

Mr. Lew further discussed corporation and transferring of shares to family members.

Mr. Wayne Canterbury, Attorney for Luxor Veterans Cab, discussed concerns regarding transfers and stated he is willing to participate in drafting of rules.

Mr. Phil Ward, Attorney Yellow Cab, discussed concerns and wished to comment on proposed rules when drafted.

Mark Ruberg, driver/applicant, discussed his concerns.

Mr. Kotjella inquired regarding proposed rules.

Commissioner Low responded stating that the draft of the rules will be made available and the Commission will accept any written comments and the matter would then be calendared for adoption.

PUBLIC COMMENTS

Rosario Navarrete, Commission on Status of Women, discussed the report of Ms. Cassandra Vitacco regarding domestic violence and elderly abuse. She stated that the Commission on Status of Women is willing to work with the department regarding domestic violence and thanks the Commission and the Department for the efforts in this area.

Thereafter, the meeting was adjourned at 7:15 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, OCTOBER 12, 1994

EXECUTIVE SESSION

ROOM 505-2
5:00 p.m.

Attorney-Client Conference

Pending Litigation

a. Donahue et al v. Casey et al
b. Ramon & Clemencia Tarifa v. CCSF
c. Christine Devincenzi v. CCSF
d. Martinez v. CCSF
e. Catherine Walker v. CCSF

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

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Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, OCTOBER 12, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Vote on Whether to Disclose Executive Session Discussion

4. Approval of Consent Calendar

5. Police Commission Report
   a. Motion on Calendaring New Matters

6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Rosalind W. Reid, Southern Station (File No. C45-048 BSK)

7. Chief's Report to the Police Commission

8. OCC Director's Report to the Police Commission

9. Discussion and Action re: Proposed Rules and Procedures for San Francisco Patrol Special and Assistant Patrol Special Officers

10. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, OCTOBER 12, 1994

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:

a.	Ramon & Clemencia Tarifa v. CCSF	$12,000.00
b.	Christine Devincenzi v. CCSF	9,300.00
c.	Martinez v. CCSF	38,500.00
d.	Catherine Walker v. CCSF	48,803.25

2. Request of the Chief of Police for Approval of Report of Expenditures from the Chief's Contingent Fund for the Month of August, 1994

3. Request of Captain Joaquin Santos, Mission Station, to Accept a Donation of $2,500.00 from the United Parcel Service for the Purchase of Equipment for the Gym at the New Mission Station

OCTOBER 12, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 4:45 p.m. to 5:50 p.m., in an Executive Session.

Attorney-Client Conference
Pending Litigation
a. Donahue et al v. Casey et al
b. Ramon & Clemencia Tarifa v. CCSF
c. Christine Devincenzi v. CCSF
d. Martinez v. CCSF
e. Catherine Walker v. CCSF

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

OCTOBER 12, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:55 p.m., in a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low announced the Commission met in Executive Session under Attorney-Client and discussed pending litigation matters.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 146-94

RAMON AND CLEMENCIA TARIFA v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the unlitigated claim of "Ramon and Clemencia Tarifa v. CCSF" in Claim Nos. 93-02499 and 93-02500 in the amount of $12,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: November 17, 1993

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 147-94

CHRISTINE DEVINCENZI v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the unlitigated claim of "Christine Devincenzi v. CCSF" in Claim No. 93-02756 in the amount of $9,300.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: December 2, 1993

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 148-94

MARTINEZ v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Martinez v. CCSF" in U.S.D.C. No. 92-04638-WHO in the amount of $38,500.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: April 22, 1992

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 149-94

CATHERINE WALKER v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Catherine Walker v. CCSF" in U.S.S.C. No. 933-768 in the amount of $48,803.25 for damages sustained, be, and the same is hereby approved.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 150-94

APPROVAL OF REPORT OF EXPENDITURES FROM THE CHIEF'S CONTINGENT FUND FOR THE MONTH OF AUGUST, 1994

RESOLVED, that the Police Commission hereby approves the report of expenditures from the Chief's Contingent Fund for the month of August, 1994.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 151-94

APPROVAL TO ACCEPT A DONATION OF $2,500.00 FROM THE UNITED PARCEL SERVICE FOR THE PURCHASE OF EQUIPMENT FOR THE GYM AT THE NEW MISSION STATION

RESOLVED, that the Police Commission hereby approves the request of Captain Joaquin Santos, Mission Station, to accept a donation of $2,500.00 from the United Parcel Service for the purchase of equipment for the gym at the New Mission Station.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low announced there will be a district meeting on October 19th and no meeting on October 26th due to the fact there will be a Meritorious Award Ceremony held at the Academy.

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Commissioner Hewlett announced she will attend a meeting with the Board of Supervisors and the Commission of Status of Women on October 26th.

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER ROSALIND W. REID, SOUTHERN STATION

Bruce Kapsack, OCC Attorney, for the Department and Bob Mueller, POA Attorney, on behalf of Rosalind Reid.

RESOLUTION NO. 152-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST OFFICER ROSALIND W. REID, SOUTHERN STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Rosalind Reid, Southern Station, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Reid; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Reid and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera announced that the past weekend contained numerous events including shooting and violent at Balboa High School. He complimented Captain Silvia Harper and other members of the department for their actions during that violent situation.

He also discussed the President's Crime Bill and stated that the department this year is due to receive $600,000.00 and over a period of time will receive approximately two million dollars over six years. In over six years, he hopes to get 350 new officers on the department. The $600,000.00 will be used for the hiring of new personnel.

He also stated the department is working with Commissioner Hewlett regarding domestic violence project and money access through grants are being used for that project.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker discussed the memorandum of understanding and that his office presently is looking at other jurisdiction and how they use the Disput Mediation Process. OCC Staff Attorney, Bruce Kapsack, is looking into the effects with other agencies.

Commissioner Hewlett stated that the State Bar in the past has offered to assist in mediation. She suggested the OCC contact the State Bar to confirm their willingness to assist the OCC.

DISCUSSION AND ACTION RE: PROPOSED RULES AND PROCEDURES FOR SAN FRANCISCO PATROL SPECIAL AND ASSISTANT PATROL SPECIAL OFFICERS

Commissioner Low stated that the Commissioners have received the rules of the Patrol Specials and packet of information from the Patrol Special and also related opinions from the City Attorney. He stated that the Commission is appreciative of the services of the Patrol Special but express concern regarding the status as peace officers and also concerns regarding supervision of the Patrol Specials.

He further stated that the Commission has received and reviewed volumes of information and he stated that the Commission will not vote tonight but will listen to all comments and will then seek help of the City Attorney in reviewing all the information to assess the status and will possibly calendar for next week for possible adoption and action.

PUBLIC COMMENTS re: Patrol Special Issue:

Lieutenant Don Carlson, Field Operations Bureau, gave a brief description and history of the rules and the reason for change and update.

Mr. Richard Stitman discussed Patrol Special Officers' status, discussed overtime reduction if patrol specials took over certain functions.

Mr. Ken Russo discussed concerns and support patrol specials.

Steven Russo, Secretary of the Patrol Special Association, discussed the training received from patrol specials and his concerns regarding the changes of the proposed rules.

Commissioner Rodriguez indicated that if there were any further information to be received for review by the Commission, that the patrol specials submit the materials in a timely manner so that they can be reviewed prior to action.

Mr. John Meeny, Security Manager, St. Francis Hospital, discussed success with Patrol Special Officers and concerns if their status is changed.

Commissioners Hewlett and Feinstein discussed their concerns with Mr. Meeny regarding patrol specials.

Louis Giannini, Attorney for Patrol Special James Labao, asked the Commission not to adopt the rules and cites inconsistencies.

Mr. Phil Hogan, business owner, supports patrol specials.

Joyce Smith, resident, supports patrol specials.

John Candido, Patrol Special, expressed his concerns in changing of the rules and asked the Commission not to remove the peace officers status.

Louise Vaughn, resident Geneva Towers, supports patrol specials.

Cliff Erb, manager Safeway, 2020 Market Street, supports patrol specials.

Robert Noel, Attorney Patrol Special Officers Association, discussed insurance requirements qualifications and responsibility of Patrol Specials.

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Sam Reyes, President Patrol Special Officers Association, discussed concerns regarding uniform changes and changes in peace officers status. He then read a statement and asked to meet with the Chief or representatives regarding concerns and would like to sit down and talk regarding those concerns.

Matt Marks, Assistant Patrol Special, discussed concerns regarding rule changes.

Jim Caraco, resident, supports Patrol Specials.

Bob Hart, Patrol Special, discussed concerns regarding rule changes.

Commissioner Low then asked Commissioner Feinstein to meet with representatives of Patrol Specials and discuss their concerns and hoped that meeting will take place within the next several days. He also asked that she meet with department representatives.

Commissioner Low indicated the Commission will review concerns and possibly calendar the matter for October 19th for possible action.

PUBLIC COMMENTS

No public comments.

Commissioner Friday then thanked Lieutenant Carlson, Field Operations Bureau, for his information regarding Patrol Special rules and he also thanked the members of the patrol specials for their cooperation at the meeting in expressing their concerns.

Thereafter, the meeting was adjourned at 7:55 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, OCTOBER 19, 1994

EXECUTIVE SESSION

POTRERO DISTRICT
DR. MARTIN LUTHER KING, JR.
MIDDLE SCHOOL
350 GIRARD STREET

5:45 p.m.

Attorney-Client Conference

a. Jose G. Garcia, et al v. CCSF

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

AN INVITATION

To The San Francisco Police Commission Meeting

Wednesday, October 19th, 1994

6:00 p.m.

Dr. Martin Luther King, Jr. Middle School

350 Girard Street

HOST: Potrero Police Station

(415) 255-6297

The Police Commission

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, OCTOBER 19, 1994

REGULAR MEETING

POTRERO DISTRICT
DR. MARTIN LUTHER KING, JR.
MIDDLE SCHOOL
350 GIRARD STREET

6:00 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Minutes of Meeting of September 21, 1994
5. Approval of Consent Calendar
6. Police Commission Report
   a. Motion on Calendaring New Matters
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Discussion and Action re: Proposed Rules and Procedures for San Francisco Patrol Special and Assistant Patrol Special Officers
10. Captain Timothy Hettrich, Commanding Officer Potrero Station, to Address the Commission on Police Activities in the Potrero District
11. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, OCTOBER 19, 1994

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claim:

   a. Jose G. Garcia, et al v. CCSF $14,000.00

OCTOBER 19, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in the Potrero District at the Dr. Martin Luther King, Jr., Middle School, 350 Girard Street, from 5:40 p.m. to 6:05 p.m., in an Executive Session.

Attorney-Client Conference
Pending Litigation

a. Dotson v. CCSF
Northern District of California-MHP

b. Jose G. Garcia, et al v. CCSF
Superior Court No. 956-640

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

OCTOBER 19, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Potrero District at the Dr. Martin Luther King, Jr., Middle School, 350 Girard Street, at 6:10 p.m., in a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

Commissioner Low greeted the audience, introduced Chief Ribera, the Command Staff and Acting OCC Director John Parker and also Assistant District Attorney Paul Cummins from the DA's office.

Commissioner Low took Item No. 9 out of order.

DISCUSSION AND ACTION RE: PROPOSED RULES AND PROCEDURES FOR SAN FRANCISCO PATROL SPECIAL AND ASSISTANT PATROL SPECIAL OFFICERS

Commissioner Low announced that Commissioner Feinstein met on Monday with Patrol Specials and reviewed the activity of patrol specials. He further stated the matter would be put over until the Commission has adequate opportunity to review the issues and the matter will be recalendared later.

Commissioner Low stated that Commissioner Feinstein will meet with department personnel and the City Attorney to consider any amendment to the rules. He stated that the matter would hopefully be calendared for November 9th.

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low announced that the Commission met in Executive Session regarding Attorney-Client matters.

APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 21, 1994

Approval of minutes of the meeting of September 21, 1994, the Commissioners having received, approved and returned the copies of same.

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APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 153-94

JOSE G. GARCIA, et al v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Jose G. Garcia, et al v. CCSF" in Superior Court No. 956-640 in the amount of $14,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: December 23, 1992

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low announced no meeting November 2nd.

Commissioner Hewlett announced that there will be a special meeting with the Board of Supervisors on October 26th and that there is no regular Commission Meeting.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera announced that the Mayor had authorized the $10,000 reward for the arrest and conviction of the suspect involved in sexual molestation of a five year old in Laraza Park.

The Chief also stated he will be attending the Chief of Police conference in Albuquerque, New Mexico.

He further stated that crime is down 14.7% and in Potrero District crime down 19.01% He then discussed the status of the new Bayview station.

Lieutenant Ryan, Fiscal Division, gave history of process of rebuilding, problems with bonding by contractors and the bidding process. He also stated the Human Rights Commission is also asking the Board of Supervisors to work with contractors in putting the project out to bid.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, Acting Director OCC, described the duties and responsibilities of the OCC.

CAPTAIN TIMOTHY HETTRICH, COMMANDING OFFICER POTRERO STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE POTRERO DISTRICT

Captain Timothy Hettrich, Potrero Station, discussed station activities, discussed C-POP program, training program at the station and discussed activities that are on-going in the district including traffic enforcement; Anti-Graffiti Program and stated that numerous officers assigned to Potrero have received various awards from community groups sin the last Commission meeting in the Potrero District.

He also stated that so far in 1994, crime in the Potrero is down 19.1% and down 35% over September of last year.

PUBLIC COMMENTS

Marianne Lazzar, St. Elizabeth Parish resident, commends Captain Hettrich for his efforts and members of the Potrero District in dealing with crime, traffic and graffiti problems.

Yvonne Edie, Bayview resident, discussed not enough officers are on the streets and concerns regarding officers on Muni.j

Ken Russo, discussed problems in Geneva Towers/Sunnydale area.

Ossie Mae Rodgers discussed concerns regarding completion of the new Potrero Station.

Joan Fanning discussed funding for the new station.

Francine Carter, resident, thanked Captain Hettrich for his efforts and also the members of the Potrero Station.

Nate Tyner, resident, commends Captain Hettrich and discussed problems in her area and commends Captain Hettrich for his efforts.

Thereafter, the meeting was adjourned at 7:15 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, OCTOBER 26, 1994

SPECIAL MEETING

BOARD OF SUPERVISORS CHAMBER
CITY HALL

5:30 p.m. - 7:30 p.m.

Discussion re: Curbing Domestic Violence

** There will be no Police Commission Regular Meetings on Wednesday, October 26, 1994 and Wednesday, November 2, 1994. The next Regular Meeting will be on Wednesday, November 9, 1994, at the Hall of Justice.

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

CALENDAR

ECONOMIC VITALITY & SOCIAL POLICY COMMITTEE
OF THE BOARD OF SUPERVISORS
POLICE COMMISSION/COMMISSION ON THE STATUS OF WOMEN
CITY AND COUNTY OF SAN FRANCISCO

SPECIAL JOINT MEETING

WEDNESDAY, OCTOBER 26, 1994, 5:30 P.M.- 7:30 P.M. LEGISLATIVE CHAMBER 2ND FLOOR, CITY HALL

MEMBERS: Board of Supervisors - Supervisors Willie B. Kennedy, Chair; Barbara Kaufman, Annemarie Conroy; Police Commission - Commissioners Harry W. Low, President; Clothilde W. Hewlett, Katherine Feinstein, Wayne Friday, Anthony P. Rodriguez; Commission on the Status of Women - Commissioners Patricia Chang, President; M. Terri Hanagan, Caryl Ito, Rosa Rivera, Gwendolyn Tillman

CLERK: Gail Johnson

* * * * * * * * * * * * * * *

Disability Access

The Board of Supervisors Committee Meeting Room (228) and the Legislative Chamber of the Board are on the second floor of City Hall.



Both the Committee Room and the Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, 2 1/2 blocks from City Hall. Accessible MUNI line serving this location is the #42 Downtown Loop as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.



There is accessible parking in the vicinity of City Hall adjacent to Davies Hall and the War Memorial Complex.



Assistive listening devices are available for use in the Meeting Room and the Board Chamber. A device can be borrowed prior to or during a meeting. Borrower identification is required and must be held by Room 235 staff.

The following services are available on request 72 hours prior to the meeting or hearing:

For American sign language interpreters or the use of a reader during a meeting, contact Violeta Mosuela at (415) 554-7704.
For a large print copy of an agenda, contact Moe Vazquez at (415) 554-4909.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

1. File 235-94-2. [Domestic Violence] Hearing to consider and evaluate the City's response to domestic violence and to develop a comprehensive, citywide plan to coordinate city department policies and procedures and to develop an effective way for the City to interface with public and private agencies to effectively address the many facets of the issue. (Supervisor Conroy)

ACTION:

BOARD of SUPERVISORS

City Hall
San Francisco 94102
554-5184

NOTICE OF CANCELED MEETING

NOTICE OF SPECIAL JOINT MEETING

ECONOMIC VITALITY AND SOCIAL POLICY COMMITTEE

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Economic Vitality and Social Policy Committee for Tuesday, October 25, 1994, at 2:00 p.m., has been canceled.

Please note that the Economic Vitality and Social Policy Committee will hold a special joint meeting with the Police Commission and the Commission on the Status of Women on Wednesday, October 26, 1994, from 5:30 p.m. to 7:30 p.m., in the Legislative Chamber, Second Floor, City Hall.

JOHN L. TAYLOR
Clerk of the Board

POSTED: OCTOBER 10, 1994

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, NOVEMBER 9, 1994

EXECUTIVE SESSION

4:45 p.m.

Attorney-Client Conference

a. OCC Personnel Matters

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, NOVEMBER 9, 1994

REGULAR MEETING

ROOM 551
5:00 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Minutes of Meeting of October 5, 1994
5. Approval of Consent Calendar
6. Police Commission Report
   a. Motion on Calendaring New Matters
7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer James A. Gaggero, Potrero Station (File No. C45-079 JWA)
8. Chief's Report to the Police Commission
9. Presentation of Appreciation Awards by the Department of Parking and Traffic Director to Members of the Police Department
10. OCC Director's Report to the Police Commission
11. Discussion and Action re: OCC Third Quarter Report
12. Request of the Chief of Police to Apply for, Accept and Expend Funds from the State Department of Alcoholic Beverage Control to Conduct an Alcoholic Beverage Control Project
13. Discussion and Action re: Proposed Rules and Procedures for San Francisco Patrol Special and Assistant Patrol Special Officers
14. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, NOVEMBER 9, 1994

CONSENT CALENDAR

1. Request of the Chief of Police To Accept Donation of Surplus Wang Equipment from the Judicial Council Administrative Office of the Courts

2. Request of Commander Richard D. Holder to Accept Donation of $5,000.00 from the "Copycat" Productions, Inc. for Use of the Special Operations Division and the Tactical Unit

3. Request of the Chief of Police for Approval of Report of Expenditures from the Chief's Contingent Fund for the Month of September, 1994

4. Request of the Chief of Police for Approval of Taxicab Owner Permits for the following:

Boris Rainer	George Fanourgiakis
Grigory Andarasnik	Mesfin HaileMariam
John Webb	Austin James
Al Low	Alex Bortnik
Charles Walker	James Bonser
Dilbagh Toor	

NOVEMBER 9, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, at 4:45 p.m., in a Executive Session.

Attorney-Client Conference
a. OCC Personnel Matters

Matter recalendared for the following week.

PRESENT: Commissioner Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

NOVEMBER 9, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:10 p.m., in a Regular Meeting.

PRESENT: Commissioner Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commission Low announced the Commission met in Executive Session and the matter was put over for one week. He also announced that the matter regarding Patrol Special Rules is put over to November 30th and that the Commission, at that time, will be prepared to vote on the matter. He stated that Item No. 13 regarding the matter was officially put over to November 30th.

Sam Reyes, President Patrol Special Officers Association, inquired regarding a letter sent to Commissioner Feinstein.

APPROVAL OF MINUTES OF MEETING OF OCTOBER 5, 1994

Approval of minutes of the meeting of October 5, 1994, the Commissioners having received, approved and returned the copies of same.

Motion by Commissioner Rodriguez, second by Commissioner Hewlett. Matter approved 4-0.

APPROVAL OF CONSENT CALENDAR

Commissioner Rodriguez stated that on the Consent Calendar, Mr. John Webb already has a taxicab permit and, therefore, is ineligible for another. His name was then removed from those being approved.

Motion by Commissioner Rodriguez, matter approved 4-0.

RESOLUTION NO. 154-94

APPROVAL TO ACCEPT DONATION OF SURPLUS WANG EQUIPMENT FROM THE JUDICIAL COUNCIL ADMINISTRATIVE OFFICE OF THE COURTS

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept surplus Wang equipment from the Judicial Council Administrative Office of the Courts.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

RESOLUTION NO. 155-94

APPROVAL TO ACCEPT DONATION OF $5,000.00 FROM THE "COPYCAT" PRODUCTIONS, INC., FOR USE OF THE SPECIAL OPERATIONS DIVISION AND THE TACTICAL UNIT

RESOLVED, that the Police Commission hereby approves the request of Commander Richard Holder to accept donation of $5,000.00 from the "Copycat" Productions, Inc., for use of the Special Operations Division and the Tactical Unit.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

RESOLUTION NO. 156-94

APPROVAL OF REPORT OF EXPENDITURES FROM THE CHIEF'S CONTINGENT FUND FOR THE MONTH OF SEPTEMBER, 1994

RESOLVED, that the Police Commission hereby approves the report of expenditures from the Chief's Contingent Fund for the month of September, 1994.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

RESOLUTION NO. 157-94

TAXICAB OWNERS PERMIT FOR BORIS RAINER

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Boris Rainer, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Boris Rainer.

AYES: Commissioners, Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

RESOLUTION NO. 158-94

TAXICAB OWNERS PERMIT FOR GRIGORY ANDARASNIK

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of

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the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Grigory Andarasnik, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal ode, and shall be and is hereby granted to Grigory Andarasnik.

AYES: Commissioners, Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

RESOLUTION NO. 159-94

TAXICAB OWNERS PERMIT FOR AL LOW

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Al Low, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Al Low.

AYES: Commissioners, Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

RESOLUTION NO. 160-94

TAXICAB OWNERS PERMIT FOR CHARLES WALKER

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Charles Walker, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Charles Walker.

AYES: Commissioners, Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

RESOLUTION NO. 161-94

TAXICAB OWNERS PERMIT FOR DILBAGH TOOR

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Dilbagh Toor, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Dilbagh Toor.

AYES: Commissioners, Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

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RESOLUTION NO. 162-94

TAXICAB OWNERS PERMIT FOR GEORGE FANOURGIAKIS

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that George Fanourgiakis, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to George Fanourgiakis.

AYES: Commissioners, Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

RESOLUTION NO. 163-94

TAXICAB OWNERS PERMIT FOR MESFIN HAILE MARIAM

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Mesfin Haile Mariam, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Mesfin Haile Mariam.

AYES: Commissioners, Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

RESOLUTION NO. 164-94

TAXICAB OWNERS PERMIT FOR AUSTIN JAMES

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Austin James, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Austin James.

AYES: Commissioners, Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

RESOLUTION NO. 165-94

TAXICAB OWNERS PERMIT FOR ALEX BORTNIK

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Alex Bortnik, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Alex Bortnik.

AYES: Commissioners, Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

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RESOLUTION NO. 166-94

TAXICAB OWNERS PERMIT FOR JAMES BONSER

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that James Bonser, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to James Bonser.

AYES: Commissioners, Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

RESOLUTION NO. 167-94

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER JAMES A. GAGGERO, POTRERO STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer James A. Gaggero, Potrero Station, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Gaggero; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Gaggero and is to be set at a later date.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Feinstein

Jerry Akins, Attorney for the Department. Bob Mueller for the POA.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed injunction file regarding Proposition 187. It was passed Tuesday, he stated that the department will work with the City Attorney's office in no enforcement. This will take effect until opinion from the City Attorney.

The Chief also stated that today was the second anniversary of his being appointed Chief and discussed progress since he was appointed. He thanked the Commission for their support and their direction.

Commissioner Low and the Commission congratulates him on his two year anniversary and commends him for his efforts and programs to date.

POLICE COMMISSION REPORT

Commissioner low stated that there will be a District Meeting in the Northern District on November 16th and there is no meeting calendared for November 23rd. Next regular meeting will be November 30th.

PRESENTATION OF APPRECIATION AWARDS BY THE DEPARTMENT OF PARKING AND TRAFFIC DIRECTOR TO MEMBERS OF THE POLICE DEPARTMENT

John Newlin, Director of Department of Parking and Traffic, addressed the Commission regarding a presentation to members of the department who were instrumental in catching parking meter thiefs recently. He commended the officers and made presentations for them. The officers being Sgt. Michael Thompson, Officer James Ascevedo, Officer R. Lynch, Inspector Mike Pedrini, Inspector George Guglielmoni, Officer Richardson and Sergeant Steve Bosshard.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Acting Director John Parker introduced OCC Staff Attorney Bruce Kapsack who discussed the dispute mediation process and stated he will be discussing it with the City Attorney and the Police Officers Association and then make a presentation to the Police Commission after those meetings.

John Parker then discussed relocation to 470 Harrison Street and stated that the move is on track and is anticipates OCC will move the office location shortly after the first of the year.

DISCUSSION AND ACTION RE: OCC THIRD QUARTER REPORT

John Parker discussed the third quarter report and indicated that the complaints continue to drop and seemed to be leveling off and there are no significant changes in the numbers of complaints.

Commissioner Hewlett then complemented OCC for their report and Commissioner Low updated the Commission regarding the process regarding the OCC director vacancy and stated that the application process deadline is closed and no further applications will be accepted.

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REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL TO CONDUCT AN ALCOHOLIC BEVERAGE CONTROL PROJECT

Withdrawn by the Chief.

PUBLIC COMMENTS

Mr. Rueberg, Taxi Driver, discussed the taxi safety issued including the safe partition and stated as of this date none has been installed in any taxis and asked the department to set a deadline for the installation of these safety partitions and also discussed Yellow Cab commuter dispatch and concerns regarding no direct communication with taxi drivers and asked that the department look into the matter.

Nathan Dwiry, Yellow Cab, discussed voice channel radio. The Chief stated the department will look into the matter and brief the Commission after review.

Jim Hutchen, Metro Cab, discussed deadline for additional 50 taxi permits.

Thereafter, the meeting was adjourned at 5:50 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, NOVEMBER 16, 1994

EXECUTIVE SESSION

5:45 p.m.

CONFERENCE WITH NEGOTIATOR - COLLECTIVE BARGAINING
Geoffrey Ruthman or Designee
Employee Relations Division
Representing: Office of Citizen Complaints

ANTICIPATED ISSUE UNDER NEGOTIATION
Compensatory Time Usage



POLICE COMMISSION MEETING

Wednesday, November 16, 1994 6 PM

NORTHERN POLICE STATION
1125 Fillmore Street at Turk Street

Public welcome, come and meet *your*
Police Commissioners!

Hosted by Captain Richard Cairns



The Police Commission

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Commissioner

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, NOVEMBER 16, 1994

REGULAR MEETING

NORTHERN DISTRICT
NORTHERN POLICE STATION
1125 FILLMORE STREET AT TURK STRETT
6:00 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Police Commission Report
   a. Motion on Calendaring New Matters
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Kenneth C. Nichols, Taraval Station (File No. C45-092 JWA)
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Presentation of OCC Monthly Statistical Summary for the Month of October, 1994
9. Captain Richard Cairns, Commanding Officer Northern Station, to address the Commission on Police Activities in the Northern District
10. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

POST 1

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

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Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

The Police Commission Regular Meeting scheduled for Wednesday, November 16, 1994, at the Northern Police Station, has been cancelled in memory of Officer James Guelff. The next meeting will be on Wednesday, November 30, 1994, at 5:30 p.m., in Room 551, Hall of Justice.

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, NOVEMBER 30, 1994

EXECUTIVE SESSION

5:15 p.m.

CONFERENCE WITH NEGOTIATOR - COLLECTIVE BARGAINING
Name and Title of City's Negotiator: John Parker, Interim Director Office of Citizen Complaints
Representing: Office of Citizen Complaints

ANTICIPATED ISSUE UNDER NEGOTIATION
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The Police Commission

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Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, NOVEMBER 30, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

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1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Police Commission Report
   a. Motion on Calendaring New Matters
5. Action re: Semi-Automatic Weapons Conversion Proposal
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Gregory W. Breslin, Park Station (File No. C45-070 JWA)
7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Eddie L. Coley, Mission Station (File No. C45-099 JWA)
8. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Stuart S. Fong, Support Services (File No. C45-023 RLC)
9. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Kenneth C. Nichols, Taraval Station (File No. C45-092 JWA)
10. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Arlana P. Spikener, Warrant Section (File No. C45-098 JWA)
11. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Sergeant Andrew Blackwell, Tenderloin Task Force (File No. C45-075 JWA)

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Secretary

CALENDAR OF PROCEEDINGS continued
POLICE COMMISSION MEETING
WEDNESDAY, NOVEMBER 30, 1994

REGULAR MEETING

12. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Police Officer Genady W. Komarchuk, Warrant Section, (File No. C45-101 JWA)

13. Chief's Report to the Police Commission

14. Request of the Chief of Police to Amend the San Francisco Traffic Code by Adding Article 5A Sections 109 through 112 thereto, Providing for the Collection of an Administrative Fee for the Registering of Bicycles, a Voluntary Program, Administered by the San Francisco Police Department

15. OCC Director's Report to the Police Commission

16. Presentation of OCC Monthly Statistical Summary for the Month of October, 1994

17. Discussion and Action re: Proposed Rules and Procedures for San Francisco Patrol Special and Assistant Patrol Special Officers

18. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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NOVEMBER 30, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 5:20 p.m. to 5:40 p.m., in an Executive Session.

CONFERENCE WITH NEGOTIATOR - COLLECTIVE BARGAINING
Name and Title of City's Negotiator: John Parker, Interim Director Office of Citizen Complaints
Representing: Office of Citizen Complaints

ANTICIPATED ISSUE UNDER NEGOTIATION
Compensatory Time Usage

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

NOVEMBER 30, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low announced the Commission met in Executive Session regarding OCC Compensatory issue. He stated the next meeting is scheduled for December 7th.

POLICE COMMISSION REPORT

Commissioner Feinstein announced her resignation from the Commission due to the fact that she has taken a position as director of the Mayor's Criminal Justice Council. She thanked the command staff, the Commissioners, City Attorney and all who worked with her during her tenure as a Commissioner.

Commissioner Low thanked Commissioner Feinstein for her efforts while serving on the Commission and wished her good luck. Commissioners Hewlett, Rodriguez and Friday also thanked her and wish her well.

Commissioner Low announced that the Commission has named three persons to sit on the committee for reviewing of the OCC director's applications. They are Peter Keane, Assistant Public Defender, Terry Jackson, DA's Office and Jack Cleary.

ACTION RE: SEMI-AUTOMATIC WEAPONS CONVERSION PROPOSAL

Chief Ribera briefed the Commission on the previous shooting involving members of the department. He described the semi-automatic weapons conversion plan and stated that range personnel will be testing various types of semi-automatics and will have a report prepared for the Commission for December 21st meeting regarding a recommended semi-automatic for department use. He urged the Commission to pass the resolution for the semi-automatic weapons conversion and Commissioner

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Low asked the Chief that the report be calendared for December 21st include training for semi-automatic and also weapon types.

PUBLIC COMMENTS re: Semi-automatic Weapon Conversion

Unidentified supports automatic weapons.

Al Triguiero, POA, thanked the Commission and the department on action in the matter and thanked the department for reviewing further and study by range personnel of the types of weapons to be considered for use.

Barry Collin, Executive Director for Institute for Security and Intelligence, backs the semi-automatic weapons conversion and offers resources of that institute to assist in the conversion at no cost to the department.

Officer Michael Serujo, President Latin Peace Officers Association, thanked Commissioner Hewlett for bringing matter to the forefront. He supports the conversion and expressed his concerns regarding time delay on implementation.

Officer Don Cartwright expressed his concerns regarding conversion and supports the proposal and asked the Commission to approve resolution.

Officer Angelo Spagnoli officers his expertise with the conversion proposal.

Motion by Commissioner Hewlett, second by Feinstein. Matter approved 5-0.

Commissioner Feinstein expressed concerns regarding equipment for the specialist team and offers help in her new position as director of Criminal Justice Council if possible.

Commissioner Low then announced the presence of Officer John Payne who was wounded during the November 13th shooting at Pine and Franklin Streets. He thanked him for all he's done and wished him well.

RESOLUTION NO. 168-94

APPROVAL OF A THREE-YEAR PHASE-IN CONVERSION FROM REVOLVERS TO SEMI-AUTOMATIC HANDGUNS FOR ALL SWORN MEMBERS

WHEREAS, the tragedy of November 13, 1994 showed us that our officers need better weapons for the sake of citizen and officer safety;

WHEREAS, it has become apparent to the law enforcement community that semi-automatic handguns with greater bullet capacities and faster reloading magazines availability are the weapons of choice;

WHEREAS, our next academy class began Monday, November 28, 1994 and will receive weapons training in late December or early January and we want to train them on semi-automatic weapons; now therefore be it

RESOLVED, that the Police Commission approves the policy of issuing all sworn members a semi-automatic weapon in place of their Department-issued revolvers by purchasing the weapons and providing training over a three-year period.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 169-94

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER GREGORY W. BRESLIN, PARK STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Gregory W. Breslin, Park Station, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Breslin; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Breslin and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

Attorney Jerry Akins for the Department, Attorney Robert Moore for Officer Breslin.

RESOLUTION NO. 171-94

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER STUART S. FONG, SUPPORT SERVICES DIVISION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Stuart S. Fong, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Harry W. Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Fong; therefore be it

RESOLVED, that Commissioner Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Fong and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

Attorney Richard Corriea for the Department, Attorney Robert Noel for Officer Fong.

RESOLUTION NO. 172-94

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER KENNETH C. NICHOLS, TARAVAL STATION

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WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Kenneth C. Nichols, Taraval Station, was called it having been set for this date; and

WHEREAS, Commissioner Anthony Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Nichols; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Nichols and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

Attorney Jerry Akins for the Department, Attorney Robert Mueller for Officer Nichols.

RESOLUTION NO. 174-94

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE SERGEANT ANDREW BLACKWELL, TENDERLOIN TASK FORCE

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Sergeant Andrew Blackwell, Tenderloin Task Force, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Blackwell; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Blackwell and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

Attorney Jerry Akins for the Department, Attorney Robert Mueller for Sergeant Blackwell.

RESOLUTION NO. 175-94

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER GENADY W. KOMARCHUK, WARRANT SECTION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Genady W. Komarchuk, Warrant Section, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Komarchuk; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Komarchuk and is to be set at a later date.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

Attorney Jerry Akins for the Department, Attorney Robert Mueller for Officer Komarchuk.

RESOLUTION NO. 170-94

HEARING OF POLICE OFFICER EDDIE L. COLEY, MISSION STATION

WHEREAS, on November 16, 1994, Anthony Ribera, Chief of Police, made and served charges against Police Officer Eddie L. Coley, Mission Station, as follows:

SPECIFICATION NO. 1

Possessing or using controlled substances as defined under the California Uniform Controlled Substances Act without a valid prescription (violation of Rule III, subsection C, of General Order D-18 of the San Francisco Police Department);

and

WHEREAS, the Police Commission set Wednesday, November 30, 1994, as the date for assignment of Commissioner and setting of date for taking of evidence on charges filed against Officer Coley; and

WHEREAS, Chief of Police Anthony D. Ribera announced that Police Officer Eddie L. Coley has resigned from the San Francisco Police Department, said resignation effective close of business November 18, 1994; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Eddie L. Coley, Mission Station, be, and the same are hereby continued off calendar.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 173-94

HEARING OF POLICE OFFICER ARLANA P. SPIKENER, WARRANTS

WHEREAS, on November 16, 1994, Anthony Ribera, Chief of Police, made and served charges against Police Officer Eddie L. Coley, Mission Station, as follows:

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SPECIFICATION NO. 1

Possessing or using controlled substances as defined under the California Uniform Controlled Substances Act without a valid prescription (violation of Rule III, subsection C, of General Order D-18 of the San Francisco Police Department);

and

WHEREAS, the Police Commission set Wednesday, November 30, 1994, as the date for assignment of Commissioner and setting of date for taking of evidence on charges filed against Officer Spikener; and

WHEREAS, Chief of Police Anthony D. Ribera announced that Police Officer Arlana P. Spikener has resigned from the San Francisco Police Department, said resignation effective close of business November 17, 1994; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Arlana P. Spikener, Warrant Section, be, and the same are hereby continued off calendar:

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera thanked Commissioner Feinstein for all she has done while serving on the Commission. He then discussed the Safe Shoppers Program during the holiday seasons. He stated that the downtown area is being saturated with officers during that time. He also stated he had a meeting today in Chinatown regarding crime in the area and stated that Captain Willett, Central Station, also attended and has implemented programs regarding the crime situation. He also asked to be excused from the December 7th meeting to attend to a personal matter.

He then discussed the incident that occurred at Pine and Franklin Streets on November 13th in which Officer James Guelff was killed and Officer John Payne was wounded. He stated also that Al Benner has been working with officers involved regarding debriefing and then Lt. Benner discussed with the Commission a debriefing process for family and members involved in the incident. He stated that the debriefing sessions will be held December 10th at the Apostleship of the Sea and any and all are welcome to attend.

Captain William Welch from Investigations then briefed the Commission on the Domestic Violence Advocate Worker now working at Mission Station which is funded by the Family Violence Project. This program will assist the department and victims of domestic violence with the legal process.

RESOLUTION NO. 176-94

REQUEST TO AMEND THE SAN FRANCISCO TRAFFIC CODE BY ADDING ARTICLE 5A SECTIONS 109 THROUGH 112 THERETO, PROVIDING FOR THE COLLECTION OF AN ADMINISTRATIVE FEE FOR THE REGISTERING OF BICYCLES, A VOLUNTARY PROGRAM, ADMINISTERED BY THE SAN FRANCISCO POLICE DEPARTMENT

Motion by Commissioner Hewlett, second by Commissioner Feinstein. Matter approved 5-0.

WHEREAS, the Police Department, in conjunction with the Bicycle Advisory Committee, has an interest in deterring bicycle thefts and encouraging bicycle safety; and

WHEREAS, the registration of bicycles helps the Police Department to investigate and identify stolen bicycles while it educates the public in bicycle safety; and

WHEREAS, an ordinance which enables the Police Department to conduct a voluntary registration program and establish an administrative fee is required; now therefore be it

RESOLVED, that the Police Commission urges the Board of Supervisors to approve the attached amendment to the Traffic Code which adds Article 5A, thereto, and establishes the Voluntary Bicycle Registration Program.

AYES: Commissioners Feinstein, Friday, Hewlett, Low, Rodriguez

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Acting Director John Parker commends Commissioner Feinstein for her work as a Commissioner and her support of the OCC and wishes her the best of luck.

He then updated the Commission regarding missing cases which has been reported earlier. He stated all but two cases has been reconstructed and closed. He stated the remaining two cases are being reconstructed and that letters were sent to all the complainants and that there were no sustained cases among the missing.

PRESENTATION OF OCC MONTHLY STATISTICAL SUMMARY FOR THE MONTH OF OCTOBER, 1994

John Parker presented the OCC Statistical Report.

DISCUSSION AND ACTION RE: PROPOSED RULES AND PROCEDURES FOR SAN FRANCISCO PATROL SPECIAL AND ASSISTANT PATROL SPECIAL OFFICERS

Commissioner Low asked Commissioner Feinstein to introduce the subject regarding Patrol Specials and Commissioner Feinstein stated that she did meet with representatives of Patrol Specials and the Department since the last meeting on this subject. She recommends that the Commission approve the rules with the caveat that the department must look at the 10B Policy and develop an approach to deal with 1750 of the Municipal Police Code. She stated the department must diligently enforce then discussed concerns

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regarding private security guards wearing dark uniforms and stated that patrol specials will continue to wear dark uniforms until the department enforce uniform changes with private security guards.

Commissioner Low stated that the rules, if adopted, will be constantly reviewed and if changes are necessary, specific rules can be dealt with individually.

Bob Noel, Attorney for Patrol Special Association, discussed insurance issues and worker's compensation issue.

Motion by Commissioner Hewlett, second by Commissioner Feinstein to adopted the rules as amended.

Chief Ribera commends the Patrol Specials and stated his concerns that he shares regarding 10B Program.

Commissioner Rodriguez discussed Peace Officers Status.

PUBLIC COMMENTS re: Patrol Special Rules

Louis Giannini, Attorney for James Labao, discussed his concerns regarding implementation of the rules and asked that the Commission reconsider.

Ken Russo against change.

Officer Steve Russo discussed change of rules and his opposition to the change.

Patrol Special Alan Stancombe expressed his concerns against the rules.

Patrol Special Dolores Lovett against the rules.

After discussion, matter voted approved 4-0. Commissioner Friday abstained.

RESOLUTION NO. 177-94

REVISED RULES AND PROCEDURES FOR PATROL SPECIAL OFFICERS AND ASSISTANT PATROL SPECIAL OFFICERS OF THE SAN FRANCISCO POLICE DEPARTMENT - ADOPTED

RESOLVED, that the revised Rules and Procedures for Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department as submitted by Chief of Police Anthony D. Ribera, be, and the same is hereby adopted.

AYES: Commissioners Feinstein, Hewlett, Low, Rodriguez
ABSTAIN: Commissioner Friday

PUBLIC COMMENTS

Maggie Olesen, Food Not Bombs.

Cesar Ascarrunz discussed problems with the department regarding opposition to a license application.

The meeting was then adjourned at 7:30 p.m. in memory of Officer James Guelff.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, DECEMBER 21, 1994

EXECUTIVE SESSION

5:00 p.m.

Attorney-Client Conference
Pending Litigation

a. Christine Calabrese v. CCSF
Superior Court No. 954-177

b. Joseph E. Smith v. CCSf
Superior Court No. 948-570

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The Police Commission

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Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, DECEMBER 21, 1994

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Vote on Whether to Disclose Executive Session Discussion

4. Approval of Minutes of Meetings of October 12, 1994, October 19, 1994, November 9, 1994 and November 30, 1994

5. Approval of Consent Calendar

6. Police Commission Report
   a. Motion on Calendaring New Matters

7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Marshall E. Wong, Taraval Station (File No. C12-205 JWA)

8. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Patrol Special Officer Gilbert Andrus, Central Station (File No. C23-148 & C34-017 JWA)

9. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer James M. Deignan, Central Station (File No. C45-106 JWA)

10. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Eugene M. Yoshi, Northern Station (File No. C45-209 RLC)

11. Chief's Report to the Police Commission

12. Action Re: Selection of Semi-Automatic Pistols for Department Use

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LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS continued

13. OCC Director's Report to the Police Commission

14. Annual Audit Report Re: Guidelines for First Amendment Activities

15. Request of Officer George Paganucci for Review of the Disability Evaluation Committee's Findings and Recommendation

16. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

CONSENT CALENDAR

1. Request of the Chief of Police to Accept Donation of Used Nautilus Equipment from Mr. Terry Neill, Owner of Nautilus of Marin, for Use of the Crime Prevention Company

2. Request of the Juvenile Division to Accept a $100.00 Gift from Mr. Joseph C. Wilkinson for the Purchase of Children's Furniture for the Waiting Room in Juvenile Division Facility

3. Request of the Chief of Police For Approval of Report of Expenditures from the Chief's Contigent Fund for the Months of October and November, 1994

4. Request of the Chief of Police for Approval of Taxicab Owner's Permits for the following:

David Basada	Joseph Barsse
Arthur Castillo	Nghia Doan
Farouk Khodor	David Kiely
Dat Nguyen	Rudy Trajano
Kathleen Walker	Andre Wong
Guey Wong	

5. Recommendation of the City Attorney for Settlement of the following claims:

a.	Christine Calabrese v. CCSF	$25,000.00
b.	Joseph E. Smith v. CCSF	41,750.00

DECEMBER 21, 1994 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 5:45 p.m. to 6:00 p.m., for an Executive Session.

Attorney-Client Conference
Pending Litigation

a. Christine Calabrese v. CCSF
b. Joseph E. Smith v. CCSF

PRESENT: Commissioner Friday, Hewlett, Low, Rodriguez

DECEMBER 21, 1994 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 6:00 p.m., for a Regular Meeting.

PRESENT: Commissioner Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low indicated that the Commission discussed pending litigation.

APPROVAL OF MINUTES OF MEETINGS OF OCTOBER 12, 1994, OCTOBER 19, 1994, NOVEMBER 9, 1994 AND NOVEMBER 30, 1994

Approval of minutes of the meetings of October 12, 1994, October 19, 1994, November 9, 1994 and November 30, 1994, the Commissioners having received, approved and returned the copies of same.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Friday, second by Commissioner Hewlett, Consent Calendar approved 4-0.

RESOLUTION NO. 180-94

APPROVAL TO ACCEPT DONATION OF USED NAUTILUS EQUIPMENT FROM MR. TERRY NEILL, OWNER OF NAUTILUS OF MARIN, FOR USE OF THE CRIME PREVENTION COMPANY

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept the donation of Mr. Terry Neill, owner of Nautilus of Marin, of three pieces of used Nautilus equipment for the use of the Crime Prevention Company.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 181-94

APPROVAL TO ACCEPT A DONATION OF $100.00 FROM MR. JOSEPH C. WILKINSON FOR THE PURCHASE OF CHILDREN'S FURNITURE FOR THE WAITING ROOM IN THE JUVENILE DIVISION FACILITY

RESOLVED, that the Police Commission hereby approves the request of Juvenile Division to accept a $100.00 donation from Mr. Joseph Wilkinson for the purchase of children's furniture for the waiting room in the Juvenile Division facility.

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AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 182-94

APPROVAL OF REPORT OF EXPENDITURES FROM THE CHIEF'S CONTINGENT FUND FOR THE MONTHS OF OCTOBER AND NOVEMBER, 1994

RESOLVED, that the Police Commission hereby approves the report of expenditures from the Chief's Contingent Fund for the months of October and November, 1994.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 183-94

TAXICAB OWNERS PERMIT FOR DAVID BASADA

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that David Basada, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to David Basada.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 184-94

TAXICAB OWNERS PERMIT FOR ARTHUR CASTILLO

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Arthur Castillo, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Arthur Castillo.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 185-94

TAXICAB OWNERS PERMIT FOR FAROUK KHODOR

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Farouk Khodor, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Farouk Khodor.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 186-94

TAXICAB OWNERS PERMIT FOR DAT NGUYEN

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Dat Nguyen, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Dat Nguyen.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 187-94

TAXICAB OWNERS PERMIT FOR KATHLEEN WALKER

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Kathleen Walker, based on her application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Kathleen Walker.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 188-94

TAXICAB OWNERS PERMIT FOR GUEY WONG

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Guey Wong, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Guey Wong.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 189-94

TAXICAB OWNERS PERMIT FOR JOSEPH BARSSE

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Joseph Barsse, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Joseph Barsse.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 190-94

TAXICAB OWNERS PERMIT FOR NGHIA DOAN

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Nghia Doan, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Nghia Doan.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 191-94

TAXICAB OWNERS PERMIT FOR DAVID KIELY

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that David Kiely, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to David Kiely.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 192-94

TAXICAB OWNERS PERMIT FOR RUDY TRAJANO

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Rudy Trajano, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and

standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Rudy Trajano.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 193-94

TAXICAB OWNERS PERMIT FOR ANDRE WONG

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Andre Wong, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Andre Wong.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 178-94

CHRISTINE CALABRESE v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Christine Calabrese v. CCSF" in Superior Court No. 954-177 in the amount of $25,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: August 17, 1992

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 179-94

JOSEPH E. SMITH v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Joseph E. Smith v. CCSF" in Superior Court No. 948-570 in the amount of $41,750.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: October 29, 1992

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low stated there will be no Commission meeting on December 28th or January 4th. Next regular meeting will be January 11th.

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER MARSHALL E. WONG, TARAVAL STATION (FILE NO. C12-205 JWA)

Assigned to Commissioner Hewlett. Al Triguiero representing Officer Wong. During the meeting he stated he will be represented by Attorney Steve Whitmore.

RESOLUTION NO. 194-94

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER MARSHALL E. WONG, TARAVAL STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Marshall E. Wong, Taraval Station, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Wong; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Marshall E. Wong and is to be set at a later date.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 195-94

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST PATROL SPECIAL OFFICER GILBERT ANDRUS, CENTRAL STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Gilbert Andrus, Central Station, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Andrus; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Andrus and is to be set at a later date.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 196-94

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER JAMES M. DEIGNAN, CENTRAL STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer James M. Deignan, Central Station, was called it having been set for this date; and

WHEREAS, Commissioner Anthony Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Deignan; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Deignan and is to be set at a later date.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER EUGENE M. YOSHI, NORTHERN STATION (FILE NO. C42-209 RLC)

Put over to January 11th for decision.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera addressed the Commission and advised them that Commander Holder is out ill and will be out for a few weeks and Captain Gleeson will be filling in for him while he's gone. He also discussed Code 3 responses by field units and discussed concerns regarding accident involving units. He stated the department will look into the increase in accidents and Code 3 responses and Captain Gleeson, member of the department's Accident Board of Review Committee, will look into and review policies and procedures regarding Code 3 responses and also look into the training regarding same. He indicated that DABOR will review all the materials and after review, submit a report to the Chief with their recommendations.

Chief Ribera then discussed budget and department spending program for the second half of the year and discussed possible supplemental appropriation. He asked the deputy chiefs to submit cut back proposals.

He stated he will talk with the mayor regarding the UN-50 upcoming celebrations and overtime associated with policing that event. He stated he will submit a supplemental appropriation request in approximately one month.

He then discussed November's crime statistics. He also discussed the Safe Shoppers Program which is presently in place for the holiday season and discussed 12.7% decrease in part one crimes.

He also discussed community policing and its success since its inception.

Commissioner Hewlett then discussed the upcoming UN-50 and preparation by the department and further discussed training and equipment and Captain Cullop was designated to brief the Commission on January 11 regarding preparations.

Commissioner Friday also discussed UN-50 and the department's responsibility.

ACTION RE: SELECTION OF SEMI-AUTOMATIC PISTOLS FOR DEPARTMENT USE

Sergeant Don Blaine, Range Master, briefed the Commission on the use of semi-automatics in the department and that there were five different semi-automatics allowed for use by members of the department. He stated that after testing by various people that the department has chosen the Beretta Model 96G, 40 caliber, as the most problem free.

Deputy Chief Reed discussed training 20 hour conversion course including night training and shoot don't shoot simulations.

Chief Ribera also discussed firearm training simulator for the department and also that community leaders are interested in assisting for funding of purchase of the new semi automatic weapons.

Commissioner Rodriguez commended Sergeant Blaine and staff for his comprehensive report and research into the testing of semi automatic handguns.

The Chief also indicated that patrol would be first issue of semi automatics and stated hopefully it will be completed in the 1995 calendar years and hopes that within two years everyone in the department will be issued and the department will be converted to the semi automatics.

Motion by Comissioner Hewlett, second by Commissioner Rodriguez that the Beretta, Model 96G, 40 caliber, handgun be approved as the official department issued weapon. Matter approved 4-0.

RESOLUTION NO. 197-94

SELECTION OF SEMI-AUTOMATIC PISTOLS FOR THE DEPARTMENT'S USE

WHEREAS, at the meeting of the Police Commission on Wednesday, November 30, 1994, the Commission approved the policy of issuing all sworn members a semi-automatic handguns;

WHEREAS, Police Department Range personnel conducted tests of various models of semi-automatic pistols and recommended the Beretta Model 96G, 40 caliber auto pistol; therefore be it

RESOLVED, that the Police Commission hereby approves the Beretta Model 96G, 40 caliber auto pistol as the service weapon for the entire Police Department.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, Acting Director OCC, discussed the department's Code 3 Response policy. He stated he believed the policy was a good one and suggested better supevision.

ANNUAL AUDIT REPORT RE: GUIDELINES FOR FIRST AMENDMENT ACTIVITIES

John Parker, Acting Director OCC, stated that Commissioner Hewlett did conduct and inspection for OCC and stated there's no violations of the first amendment activities since the new guidelines were implemented.

Commissioner Rodriguez, at this time, briefed the Commission regarding the status of the search for the new OCC director and briefed them on the selection process.

REQUEST OF OFFICER GEORGE PAGANUCCI FOR REVIEW OF THE DISABILITY EVALUATION COMMITTEE'S FINDINGS AND RECOMMENDATION

Mike Hebel, attorney for Officer Paganucci. Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Recommends Officer Paganucci for disability retirement.

RESOLUTION NO. 198-94

APPROVAL OF RECOMMENDATION OF CHIEF ANTHONY RIBERA OF OFFICER GEORGE PAGANUCCI'S DISABILITY RETIREMENT

WHEREAS, Officer George Paganucci requested a hearing before the Police Commission pursuant to Light-Duty Policy 1136-86 (dated October 30, 1986);

WHEREAS, the matter was calendared before the Police Commission on December 21, 1994 and it was presented that Officer George Paganucci has obtained a permanent disability rating for bilateral hearing loss; and

WHEREAS, Officer George Paganucci complied with provisions of the Light Duty Policy by working more than 18 months in light duty capacity;

WHEREAS, a light duty position will not be available for Officer Paganucci in the future;

WHEREAS, Chief Anthony Ribera has recommended that Officer Paganucci be retired; therefore be it

RESOLVED, that the Police Commission approves the recommendation of Chief Anthony Ribera.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS

No public comments.

Thereafter, the meeting was adjourned at 7:00 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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